United Nations S/PV.4557

Security Council

Fifty-seventh year

Provisional

4557th meeting

Friday, 21 June 2002, 10.30 a.m.

New York

President:	Mr. Al-Sharaa	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Banoum
	China	Mr. Zhang Yishan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mr. Gokool
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Williamson

Agenda

The situation in Afghanistan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-43635 (E)

The meeting was called to order at 10.50 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhâdi (Afghanistan) took a seat at the Council table.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on the agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Kieran Prendergast, Under-Secretary-General for Political Affairs, to whom I give the floor.

Mr. Prendergast: When I briefed members of the Council in informal consultations two weeks ago, I concluded with the hope that today I would be able to bring the Council welcome news about the results of the emergency loya jirga. This morning I am pleased to be able to say that that hope was well founded. In view of the importance of the loya jirga for the political future of Afghanistan and the intense global interest in its outcome, my briefing today will pay primary attention to that event.

The emergency loya jirga can be counted as a success for a number of reasons. The fact that it was held is the first success. I have already detailed to the Council the immense challenges faced in conducting the election and selection of delegates, in organizing and securing the site, and in transporting delegates to Kabul on time and in secure conditions. The generosity of the international community was a major factor in this achievement, and on behalf of the Secretary-General I thank all those States that contributed. I fear, however, that the United Nations Assistance Mission in Afghanistan (UNAMA) will have to go back to donors and ask for their understanding, since not all the sums that were pledged to the budget of the Special Independent Commission have actually been paid into the loya jirga trust fund.

The fact that the loya jirga accomplished what it was mandated to accomplish under the Bonn Agreement is its second success. The Bonn Agreement called on the loya jirga to elect a head of State for the Transitional Administration and to approve proposals for the structure and key personnel of the Transitional Administration. As the Council knows, Mr. Karzai was elected as the head of State, and his cabinet was approved by the assembly.

Finally, the fact that Afghans from every region, ethnicity, educational level and occupation were able to gather together peacefully, to debate heatedly, yet ultimately to agree on fundamental questions regarding their common political future is the third — and surely the most important — success of the emergency loya jirga. The gathering offered a truly representative sample of Afghan society in 2002, even if quite a few people might have had some doubts about the legitimacy of the presence of certain delegates.

I would not want this generally positive assessment to give comfort to those who employed tactics of intimidation and fear during the loya jirga process. The Bureau of the loya jirga and UNAMA have documented various cases of intimidation, which have been brought to the attention of the Afghan Government. I am aware that other organizations present in Afghanistan are compiling their own reports on intimidation. For the sake of the next loya jirga and to secure the foundations of democracy in Afghanistan, it is vital that the Afghan authorities highlight and address, as much as possible, the instances where democratic rights have been abused by those who still equate power with force and violence.

Having said that, I must add that intimidation was actually confirmed in only a small number of cases. In fact — and this is important to underline — the reports of intimidation reflected the feeling of fear and insecurity that remains predominant in many parts of the country because the rule of law is not yet firmly established and because far too often force is the only source of authority.

Moving from the general to the specific, the emergency loya jirga was convened in Kabul on 11 June with the participation of 1,656 voting delegates from all over the country and abroad. As per the Bonn Agreement, the assembly was opened by former King Zahir Shah, who stressed that he had returned to Afghanistan to be a servant of his people and not to restore the monarchy. The Special Representative of the Secretary-General, Mr. Lakdhar Brahimi, also made a statement, in which he congratulated Afghans and the Interim Administration on successfully opening the loya jirga. Mr. Brahimi took note of the intimidation that had occurred during the process but — properly, I believe — insisted that more remarkable were the cases of resistance to intimidation and the clearly manifested popular support for the process.

The substantive results of the emergency loya jirga are as follows. On 13 June, Mr. Hamid Karzai was overwhelmingly elected — by 1,295 out of the 1,575 delegates who cast their votes — to be the head of State of the Transitional Administration. One of Mr. Karzai's two opponents, Massouda Jalal, was a woman. This was the first time in Afghan history that a woman had ever run for such a high position, and her second-place finish is a credit to her and to the assembly. I would like to note here that the Ministry of Women's Affairs and UNAMA conducted an induction course for the 150 female delegates. A core group has been created from among those delegates to continue to promote common issues affecting Afghan women. And while it would have been gratifying to be able to announce the election of a female head of State in Afghanistan, Mr. Karzai's victory has been widely acknowledged to be well deserved. It reflects the leadership he has exercised, both nationally and internationally, as Chairman of the Interim Administration during the past six months.

As the new head of State, Mr. Karzai was required by the rules of the loya jirga to submit for endorsement by the assembly proposals on the structure of the Transitional Authority and its key personalities. Because of flaws in the management of the loya jirga proceedings, there was some confusion among delegates about how their approval for proposals would be secured. For example, many delegates thought that they could become members of the Cabinet if they collected enough signatures from delegates in support of their bid. But the truly contentious issue was the question of how a legislature should be formed, and that issue was left unresolved.

Overlooked in the highly publicized disputes and bitterness on this issue, however, was an encouraging reformist vision of government presented by Mr. Karzai in his acceptance speech on 13 June. Mr. Karzai proposed the creation of a number of national commissions to implement his reforms. These include commissions on national defence, national security, foreign investment, return of property and so forth. The salient aspects of Mr. Karzai's vision include a lean government structure that focuses resources on the people and not on maintaining a heavy bureaucracy. Mr. Karzai emphasized the importance of generating enough income for the Government to be self-sufficient. Customs duties would be used as the prime source of income to fund the civil service and the Government. On economic questions, he stressed the importance of private enterprise, of encouraging investment from foreigners and from the Afghan diaspora, and of cracking down on corruption and bribery. Mr. Karzai also noted the need to ensure that donor aid is disbursed effectively.

Another key aspect of Mr. Karzai's vision of government concerns national defence and national security. He noted the need for an ethnically representative national army that is accountable to the Afghan State, for an intelligence service that operates within the boundaries of the law and is respectful of the individual rights of Afghans, and for an independent judicial system that is free from corruption. Most important, in his final speech to the loya jirga Mr. Karzai insisted that all commanders and warlords must come under the authority of the Ministry of Defence.

Mr. Karzai explained, however, that forming a lean Cabinet was not easy at this stage in the history of Afghanistan. By the time he appeared before the loya jirga at its final session, he had filled only some of the Cabinet positions. He is finalizing his Cabinet even as the Council meets, and has said that he hopes to announce the final composition of the Cabinet within

the next two or three days. Mr. Karzai's submission to the loya jirga was accepted with a show of hands.

Mr. Karzai's Cabinet selection could not entirely avoid the political realities of Afghanistan. This imperative seems to have been recognized by the members of the loya jirga. There is, nonetheless, likely to be some discontent. A vast amount of work lies ahead for each ministry, however, and we hope that the Cabinet will focus on its administrative and governance functions.

At the same time, we urge other Afghan leaders to support them. One of the essential features of democracy, which is built into the Bonn Agreement, is that there should always be another future occasion to compete for power. Between such periodic occasions, however, is the time for governance.

These generally positive developments in Kabul are overshadowed by a deterioration of the security situation in some parts of Afghanistan. On the eve of the final day of the loya jirga, several rockets were launched into the centre of Kabul. Luckily, there were no casualties and not much material damage. But this very serious incident is a reminder that security is not guaranteed and that it will not be guaranteed by luck alone.

In the north of Afghanistan, a number of armed attacks and robberies have been carried out against international aid organizations in the last several weeks. Most serious and most contemptible was the gang rape of a female international aid worker. We have also been discouraged by recent incidents in which a clinic run by an international aid organization was fired on during factional fighting in Sholgara, and the vehicle of an international aid non-governmental organization (NGO) was fired upon while travelling to oversee bread distribution at a camp for internally displaced persons near Mazar. These attacks mark a worrying departure from what has been, over the past decade, a generally hospitable attitude by Afghans towards aid workers, as well as from the respect for international norms that is necessary to guarantee a humanitarian space in zones of war.

Aid agencies have appealed to the Special Representative to intervene with national and local authorities to redress this alarming situation. Mr. Brahimi has responded by writing to Chairman Karzai to request strong and urgent intervention with local parties to secure conditions for humanitarian work and to ask him to ensure that those responsible are held accountable under the law. Mr. Brahimi also met with General Abdul Rashid Dostum, General Atta Mohammed, and Mr. Haji Mohammed Muhaqiq, the leaders of the three main northern factions, to make the same demand for intervention. He emphasized that previous United Nations interventions with local authorities had regrettably not resulted in any serious measures being taken to apprehend criminals — many of whom, I regret to say, are in uniform — or to prevent future abuses. He noted that if the security situation continues to deteriorate, aid organizations might be forced to cut their operations in the north. This would make it much more difficult to persuade donors to invest in recovery and reconstruction projects in the region, particularly in the light of paragraph 4 of Security Council resolution 1401 (2002).

It is clearly vital that, in the weeks and months following the loya jirga, the international community should assist the Afghan Government to bring its authority to bear on insecure areas of the country. Much of this can be done through the continued training of a new Afghan army, which continues to progress. But, inevitably, that army will not be able to provide adequate security for many months to come. Given the importance of peace and security in the transitional period, the contributing nations to the International Security Assistance Force (ISAF) and the Council may wish again to consider the possibility of a limited expansion of ISAF to areas outside Kabul, particularly those where there is a clear pattern of emerging insecurity that, if left to evolve without countervailing pressure, could seriously threaten the further implementation of the Bonn process.

As the United Kingdom yesterday completed the hand-over of the ISAF leadership to Turkey, I would like to signal our immense gratitude for the professionalism and dedication of the former, as well as our anticipation of equally effective leadership and cooperation from the latter. ISAF, in exemplary cooperation with Afghan forces, did a superb job of providing security for the loya jirga. From the diligence and promptness of the members of this Council in authorizing and extending ISAF to the excellent field-level performance of ISAF's troops, the force has been a model of international cooperation, as well as tangible proof of the international commitment to promoting peace and political order in Afghanistan. I can think of no higher tribute to pay than to

emphasize, once again, our confidence that ISAF would have an equally positive impact if deployed elsewhere in Afghanistan.

A major task of the Transitional Authority, in addition to extending its writ beyond Kabul, will be to address the reconstruction and development of Afghanistan. The United Nations has pledged to be an effective partner in this process. In this regard, I am pleased to report that progress continues to be made by UNAMA and the United Nations agencies in Afghanistan in developing a coherent assistance strategy as well as a productive and cooperative relationship with the Afghan Government.

In the near future, I would hope to provide a comprehensive briefing on assistance activities and on progress made by the United Nations in implementing relief and recovery programmes in Afghanistan. Meanwhile, I am compelled to highlight once again the worrying decline in donor funding for Afghanistan. Already, many organizations, most notably the World Food Programme, the Office of the United Nations High Commissioner for Human Rights and the International Organization for Migration have been forced to scale back, or even halt operations. This funding shortfall, moreover, makes it extremely difficult for those agencies, and consequently for the United Nations system as a whole, to prepare the necessary transition towards increased recovery programming later in the year.

Allow me to say in conclusion that the plans and hopes mapped out six months ago at Bonn have become the realities of today. Perhaps few people believed then that the Interim Administration would be as effective as it has proven to be, and that the peace process would be as robust as it has been.

Now, new challenges face us and new tasks lie ahead in the implementation of the Bonn Agreement. On behalf of the Secretary-General, I would like to urge the international community to continue to assist the Afghans and to support the United Nations, as it has generously done thus far. I ask the international community please to help ensure that we meet these new targets as we have the ones that now lie behind us. For the moment, I am sure the Council may agree, each success of the Bonn process actually adds to our responsibilities rather than subtracts from them.

The President (*spoke in Arabic*): I thank Mr. Prendergast, Under-Secretary-General for Political Affairs, for his comprehensive briefing on Afghanistan. I believe that Council members will agree with me that the Afghan people have long suffered as victims of war's destruction and that they deserve the international community's utmost assistance in their quest for stability and peace.

We also express the hope that the convening and outcome of the loya jirga will open a new page in the life of the Afghan people, a page of the reconstruction and development of their country.

In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of this subject.

The meeting rose at 11.10 a.m.

United Nations S/PV.4558

Security Council

Fifty-seventh year

Provisional

4558th meeting

Friday, 21 June 2002, 1.20 p.m.

New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Jiang Jiang
	Colombia	Mr. Franco
	France	Mrs. d'Achon
	Guinea	Mr. Zoumanigui
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Ms. Lajous
	Norway	Mr. Brattskar
	Russian Federation	Mr. Konuzin
	Singapore	Mr. Bhatia
	United Kingdom of Great Britain and Northern Ireland	Ms. Broughton
	United States of America	Mr. Williamson

Agenda

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

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02-43646 (E)

The meeting was called to order at 1.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Bosnia and Herzegovina in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kusljugić (Bosnia and Herzegovina) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/680, which contains the text of a draft resolution prepared in the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2002/680) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1418 (2002).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 1.25 p.m.

United Nations S/PV.4559

Security Council

Fifty-seventh year

Provisional

4559th meeting

Wednesday, 26 June 2002, 10.30 a.m.
New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Zhang Yishan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Cunningham

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999).

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02-44465 (E)

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Spain and the Federal Republic of Yugoslavia, in which they request to be invited to participate in the discussion on the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Šahović (Yugoslavia) took a seat at the Council table; Mrs. Menéndez (Spain) took the seat reserved for her at the side of the Council Chamber.

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations. I now give him the floor.

Mr. Guéhenno: I am pleased to provide an update of developments in Kosovo since I briefed the members of the Council on 16 and 24 May.

First, I would like to speak of the establishment of inclusive provisional institutions of self-government. A welcome development since the Security Council was last briefed has been the completion of the Kosovo Government, following the nomination at the end of May by the Kosovo Serb Return Coalition of Kosovo Serb representatives for the positions of Minister for Agriculture, Forestry and Rural Development and Inter-ministerial Coordinator for Returns in the Office of the Prime Minister.

The assumption of office by the Kosovo Serb representatives coincided with the Government's first 100 days in office. On 12 June, all members of the Government swore an oath of office, pledging their commitment to work for the benefit of all communities in Kosovo. The oath-taking ceremony marked the third anniversary of the arrival of the international community in Kosovo.

The United Nations Interim Administration Mission in Kosovo (UNMIK) has continued to work with the provisional institutions of self-government to ensure that those bodies respect the division between reserved and transferred responsibilities. As external relations and foreign policy are powers reserved to the Special Representative of the Secretary-General, Mr. Steiner has issued guidelines for agreements of the provisional institutions of self-government with Governments of States and with international organizations. The guidelines were provided to the Kosovo Government in order to ensure that actions by the Kosovo governmental authorities are in compliance with the basic laws governing Kosovo and duly take into account the reserved responsibilities of the Special Representative of the Secretary-General. The liaison offices of States and offices of international organizations in Kosovo were also requested to ensure that their actions vis-à-vis the Kosovo provisional institutions were in accord with these guidelines.

At the same time, UNMIK and the provisional institutions of self-government have enhanced their consultations during the reporting period. The Economic and Fiscal Council, under the Special Representative of the Secretary-General, has been constituted and already plays an important role in coordinating policy between UNMIK and the provisional institutions on economic and fiscal issues.

The Council has held its first two meetings, discussing such topics as the Kosovo Trust Agency, the

Kosovo Pension Savings Trust and draft legislation on public financial management and accountability.

I would like to say a few words about municipal elections. Preparations continued for the municipal elections scheduled to take place on 26 October. On 10 June, Mr. Steiner promulgated regulation 2002/11 on the municipal elections in Kosovo, which defined a four-year mandate for Municipal Assembly members. UNMIK has focused efforts on ensuring the participation of all communities in the upcoming elections. The prospects for multi-ethnic participation are encouraging, as UNMIK has so far received a high number of applications from minority community political parties seeking certification for the municipal elections. By 14 June, the mid-point in the certification process, more than 40 per cent of all applications received had been submitted by minority communities. It should be noted that in the 2000 municipal elections, only 26 per cent of those running for election were from minority communities.

The Mission has taken further steps to strengthen the rule of law in Kosovo. On 18 June, UNMIK police arrested four former members of the Kosovo Liberation Army (KLA). The following day, a further two former KLA members handed themselves in to UNMIK police, and all six were brought before an international judge. Three of the six are active members of the Kosovo Protection Corps, and one is currently suspended from it. The six men are charged with unlawful detention and causing serious bodily injury in relation to an incident in June 1999 during which they are alleged to have beaten and tortured five other former KLA members as a punishment for defection to a rival command, and in relation to a noted incident in June 2000, in which they are alleged to have broken into a house and participated in an exchange of gunfire with persons in the house. On 20 June 2002, an international judge opened an investigation into all six suspects in connection with these charges, and ordered that they be detained for 30 days. UNMIK has also convened a panel of international judges to hear any appeal which the suspects might make against the judge's orders.

I must point out that, contrary to allegations from the head of the Kosovo Protection Corps that UNMIK police used unnecessary force in the arrests, internal investigations suggest that the operation was carried out in a professional manner with a proportionate use of force. In contrast to the widespread protests that were triggered by the arrest on war crimes charges of three former KLA members at the end of January, these recent arrests have thus far generated only a localized public reaction. Hundreds of Kosovo Albanians have demonstrated over the past few days in Djakovica and Decani. In one case, KFOR anti-riot and quick reaction units were deployed to calm the situation down. In another, KFOR had to fire warning shots to disperse an aggressive crowd. Comments received by Mr. Steiner from the audience during a local television talk show seemed to indicate general support for UNMIK's recent actions aimed at upholding the rule of law.

In the same vein, a number of successful anti-smuggling operations have taken place during the reporting period. UNMIK police and the Kosovo Police Service have seized substantial quantities of gasoline, alcohol and cigarettes at border points. An illegal cigarette factory in Kosovo was raided, yielding more than 20 tons of tobacco and counterfeit cigarette cartons. The Gate 1 checkpoint used by the UNMIK customs, UNMIK police and KFOR, which is located at the northernmost point of Kosovo, was moved closer to the administrative boundary in order to eliminate the use by illegal traders of the no-man's-land along the boundary.

Within the framework of the High-Ranking Working Group, on 31 May UNMIK signed a Protocol on Police Cooperation with the Governments of the Federal Republic of Yugoslavia and Serbia as part of its strategy to combat organized crime and terrorism. The Protocol will facilitate information exchange between the UNMIK police force and its Serbian and Yugoslav counterparts and will provide for enhanced cooperation in relation to the policing of returns, movement across administrative boundaries and the identification of missing persons. UNMIK has also initiated negotiations with the relevant authorities in Albania and Montenegro in order to further develop regional police and justice cooperation. During the South-East European Cooperation Process meeting in Belgrade on 19 June, Mr. Steiner proposed the establishment of enhanced regional cooperation mechanisms to fight organized crime and terrorism in the region. His proposals were well received by the participants.

I would now like to turn to the very important issue of sustainable return. Spontaneous returns have occurred in various locations in Kosovo, bringing the total number of returns to 874 in the first five months

of 2002, 43 per cent of them being Kosovo Serb returns.

At the end of May, the Senior Adviser on Returns joined the Office of the Special Representative of the Secretary-General following his nomination which I mentioned earlier — by the Kosovo Serb Return Coalition. He resigned his seat in the Kosovo Assembly to assume that position. Working within UNMIK and the Government, respectively, both the Senior Adviser and the Inter-Ministerial Coordinator for Returns will seek to assist in fostering returns and in stabilizing the minority communities in Kosovo, thus stemming their outflow. It is also hoped that their presence in UNMIK and in the Government will strengthen the credibility of the returns programme in the eyes of internally displaced persons and refugees.

Following the release of the concept paper on the right to sustainable returns by Mr. Steiner in late May, UNMIK has increased grass-roots efforts to support minority returns. Municipal working groups on return have been established in 24 of 30 municipalities, marking an improvement in the awareness of the returns issue on the part of local authorities. UNMIK has also worked with the Federal Republic of Yugoslavia/Serbia Coordination Centre and other actors to reach internally displaced persons in Serbia proper through public meetings and Internet-based information systems. The use of the media for outreach to internally displaced persons was also facilitated by agreements reached during a two-day conference on bridging the information gap, which took place in Pristina on 28 and 29 May, with media representatives from Kosovo, Montenegro, Serbia and other parts of the region.

(*spoke in French*)

I would now like to deal with issues relating to freedom of movement. Another outcome of the meeting of the High-Level Working Group on 31 May was the conclusion of a technical agreement between UNMIK and the Serbian rail network for the extension of the network between Belgrade and Kosovo. The first rail link between Lesac — the first station that is encountered upon entering Kosovo from the north — and Belgrade will open on 27 June. The practical implementation of this agreement could improve the freedom of movement of Serbs in Kosovo, as well as help in Kosovo's long-term economic development.

Freedom of movement in general has been strengthened as a result of decisions taken by neighbouring States. The Albanian Government took a unilateral decision to ease the border controls on Kosovo residents, which means that they can now go overland to Albania with an UNMIK identity card instead of a national passport, or with travel papers issued by UNMIK. It is also a matter of note that the Government of the former Yugoslav Republic of Macedonia decided to abolish the visa requirement for those holding travel documents issued by UNMIK.

I would also like to make some observations about the missing. The Special Representative, Mr. Steiner, has promoted continued dialogue between associations of the missing in Kosovo and in Serbia proper, which is considered essential for further progress in this very sensitive area. Therefore on 22 June Mr. Steiner organized a meeting with representatives of the families of the missing Kosovo Serbs and Kosovo Albanians. Despite the obvious difficulty of such a meeting, both sides agreed to cooperate, to help each other. UNMIK will continue to hold such inter-ethnic meetings on this issue, which profoundly touches both communities.

UNMIK has also begun preparations to exhume victims' gravesites in Kosovo in order to attempt to identify the remains. Such preparations are also under way in Serbia proper. The number of identifications in Kosovo in the first months of 2002 has already exceeded the number made in all of 2001, and this was the result of enhanced cooperation between the International Committee of the Red Cross and the International Committee for Missing Persons, as well as of a restructuring of UNMIK operations in this area.

I have a few comments on relaunching Kosovo's economy. The regulations establishing the Kosovo Trust Agency and the associate special chamber of the Supreme Court were signed into law on 13 June. The new Agency will be able to sell commercial assets currently held by collectively owned enterprises to new owners through transparent procedures and to hold the proceeds in trust until creditor claims are settled through a judicial process. The Kosovo Trust Agency will also assume control over some State-owned enterprises and public-utility service providers.

In the economic sphere we also see that there has been significant improvement in the range of banking services available in Kosovo, including in minority

areas. On 15 June the first bank branch to be located wholly within a Kosovo Serb area was opened in Zvecan, in the Mitrovica region. This branch of the American Bank of Kosovo will operate predominantly in euros, although it will also have facilities dealing with Yugoslav dinars. The Microenterprise Bank plans to open automatic cash dispensers in some minority enclaves.

With regard to the situation in Mitrovica, UNMIK remains fully committed to implementing a reunification policy for the town. The Special Representative made this clear in public statements during his recent visits to both the northern and southern parts of Mitrovica. UNMIK and KFOR have continued to implement a series of initiatives to meet the needs of Kosovo Serbs for security and services which a unified city should provide, without having parallel structures. Recent UNMIK measures have included doubling the number of UNMIK police in northern Mitrovica, supported by an increase in the KFOR presence, launching a public campaign promoting Serb participation in the Kosovo Police Service, and discussions with the Kosovo Albanian leaders to ensure their support.

President Kostunica and Foreign Minister Svilanovic have expressed to Mr. Steiner their support for a policy of zero tolerance for crime in all of Kosovo, including northern Mitrovica.

In conclusion, I would like to emphasize that the recent arrest of suspects in cases pending from June 1999 and June 2000 illustrate UNMIK's zero tolerance for crime and are a clear sign that no one is above the law. Crime in Kosovo hurts not only the victims directly but Kosovo as a whole. Continued support for UNMIK's fight against crime through criminal investigation leading to arrests, building the capacity of the local police and judiciary, and improved gathering of information about crimes and better cooperation by the people in bringing to the police useful information on crimes — all this will benefit the people in Kosovo.

I also wish to emphasize in this connection that crime knows no boundaries and that regional cooperation plays an important role in the fight against crime. Only by working together in a regional context to promote cooperation, coordination and dialogue will law and order be enhanced in Kosovo. Respect for the rule of law is part of the process of normalization, and it is this process that will lead Kosovo towards becoming a fair and just society embracing all communities in its political, institutional, economic and social life.

The President *(spoke in Arabic)*: I thank Mr. Guéhenno for his comprehensive briefing.

Mr. Lavrov (Russian Federation) *(spoke in Russian)*: We are grateful to Under-Secretary-General Jean-Marie Guéhenno for his clear and comprehensive briefing.

Two months ago, in April, there was a comprehensive consideration here of the situation in Kosovo, and as we see it, what we have just heard shows that over these past two months some practical steps have been implemented which were designed to further compliance with the goals of resolution 1244 (1999). We point out in particular the reaffirmation of candidacies of the Serbian Return Coalition to posts in the Kosovo government. We should also encourage the efforts of UNMIK and the Kosovo forces in strengthening law and order and rendering justice, including the investigation of crimes committed by the fighters of the so-called Kosovo Liberation Army, which was just mentioned by Mr. Guéhenno. As I understand it, at least one of those arrested is well known, Mr. Haradinaj. More than a year ago in this very Chamber, my delegation distributed information showing that KFOR already had facts in its possession that confirmed that this individual have been directly involved in crimes. A decision could therefore had been taken far earlier; but better late than never. We repeat: encourage these efforts by the United Nations and UNMIK.

We would also like to highlight the dedication to peace and religious tolerance demonstrated by the Head of the Mission, Mr. Steiner, and by Prime Minister Rexhepi by taking part in the Orthodox Easter service celebrated in the Peć Patriarchate. This is in fact what is so sorely lacking in the current relations between the representatives of the various ethnic groups in Kosovo.

We would also like to note the progress made in determining the fate of missing persons. In that regard, we encourage all communities to cooperate with UNMIK.

We support efforts by Belgrade and UNMIK to find a solution to the problems in Mitrovica. It seems that those efforts are beginning to yield their first

fruits. In our opinion, the idea proposed by Serbian Deputy Prime Minister Čović to decentralize authority is serious evidence that Belgrade is truly seeking a constructive solution to this problem. I reaffirm in this regard that there is no violent solution to the problem of Mitrovica is possible.

However, while pointing out the positive steps that have been taken, we must note that the basic problems of a settlement to the Kosovo question have hardly been solved — namely, the ongoing problem of ensuring safety for all the inhabitants of the province and the establishment of an atmosphere that truly allows for significant minority returns. That also includes continuing the fight against organized crime and extremism on the basis of decisions taken by the Special Representative. Of course, we still also face urgent social and economic problems.

All of this falls within the purview of the United Nations Interim Administration Mission in Kosovo, the Security Council and the Special Representative. But we must truly make further efforts to achieve the relevant goals. The benchmarks set out two months ago at our meeting with Mr. Michael Steiner have in fact been recognized as being tasks needed to ensure conditions in the province conducive to a normal life for all. I would once again like to emphasize that those benchmarks can in no way be regarded as any sort of road map to independence for Kosovo. In fact, at our meeting in April we achieved a clear understanding in that regard with Mr. Steiner.

We support efforts to gain positive experiences in self-governance and to establish sound and solid relations between Belgrade and Pristina. That policy should be clearly reflected in the practical activities of the United Nations Mission in Kosovo. We also call on the Special Representative and all his colleagues to work vigorously to prevent any attempt to use the benchmarks to put forth slogans on independence, as well as to prevent any provocative activities similar to the well known decisions adopted by the Kosovo Assembly in May of this year — decisions which of course have no legal force whatever. It is also important to continue monitoring the activities of the Kosovo Protection Corps.

Another matter that also requires a final solution is the demarcation of the borders, pursuant to the Agreement of 23 February 2001 between the Federal Republic of Yugoslavia and Macedonia. The leadership of the United Nations Mission in Kosovo should realize the unquestioned legitimacy of the demarcation process, and of the border itself, and that the process has the support of the Security Council. We have only the technical aspects to settle with regard to implementing that bilateral Agreement between two sovereign States, an Agreement that has received the full support of the Security Council. Of course, those technical aspects should be worked out between the authorities of Yugoslavia and Macedonia. As far as the Kosovo portion of the border is conerned, it should be dealt with by the United Nations Mission in Kosovo. We believe Mr. Steiner should now accelerate the commencement of work on the demarcation of the border between Yugoslavia and Macedonia and the Kosovo part of that border.

We would also like to recall that, in our meeting last April (see S/PV.4518), both Mr. Michael Steiner and Nebojša Čović put forth the idea that the Security Council should once again send a mission to Kosovo. In considering that idea, we should of course bear in mind the optimal time for such a mission. A Council mission could help give Council members a closer and more complete picture of the real situation in the province at this stage, as well as of the dynamics of its development.

Mr. Diallo (Guinea) (*spoke in French*): The periodic consideration of the situation in Kosovo illustrates the Security Council's commitment to finding a solution to a question that remains a matter of concern. Mr. Jean-Marie Guéhenno's description of recent developments in the situation in the field contained very useful information, for which we thank him.

The Council's public meeting on 24 April 2002 (see S/PV.4518) enabled us to assess the progress made and the challenges that must be overcome. As we said earlier, the success of the peace process in Kosovo will depend on bearing in mind the interests of all elements and groups in the province as well as the objective of ensuring regional stability. In that regard, we have taken note of the comments made by the Government to the effect that it intends to serve the interests of all Kosovars.

My delegation feels that the appointment of Mr. Nenad Radosavljevic to the United Nations Interim Administration Mission in Kosovo, as adviser on matters related to repatriation and the integration of

ethnic minorities, gives cause for hope that the refugee question will be resolved. My delegation therefore welcomes the outcome of the meeting held in Pristina on 28 May 2002 between Mr. Steiner and Mr. Čović on the questions of Mitrovica and the return of refugees. We encourage pursuit of those contacts in order to resolve pending problems.

Moreover, the Kosovo Assembly's challenge of the border Agreement concluded in February by Yugoslav authorities and the authorities of the former Yugoslav Republic of Macedonia has raised serious concern on the part of the international community. My delegation wishes to renew its support for the statements made by the President of the Security Council on 22 and 24 May 2002 and to invite parties to promote dialogue. We take note of Mr. Steiner's commitment to implement regulations pertaining to the executive branch of the provisional institutions of self-government in Kosovo. We hope that regulations issued in that regard will be respected.

We welcome the assumption of office of the first ministerial Cabinet in Kosovo, which also marks the establishment of a real multi-ethnic Government in the province. We hope that this institution will assume its rightful responsibilities in order to build a democratic society respectful of the law and of ethnic differences.

On another front, the organization of municipal elections, to be held next October, merits attention. We welcome the information just provided to us by Mr. Guéhenno regarding the determination of the various ethnic groups to make these elections a success. We encourage this process and we hope that the newly elected officials will make a positive contribution to resolving the various problems within their purview.

I cannot conclude without renewing my delegation's repeated appeals and highlighting the fact, first, that the leaders of Kosovo must work more constructively and cooperate fully with UNMIK and KFOR to ensure respect for equality and the establishment of a multi-ethnic Kosovo in a viable social, economic, political and cultural environment. Secondly, the establishment of a climate of security depends on the establishment of a reconciliation programme based on tolerance and mutual respect, taking into account the interests of all Kosovars. Thirdly, strengthened cooperation among the elected officials of Kosovo, UNMIK and the Belgrade authorities will also signal confidence in the pursuit of activities that are under way.

Mr. Mahbubani (Singapore): Let me begin by thanking Under-Secretary-General Jean-Marie Guéhenno for his usual comprehensive briefing, which has brought us up to date on the situation in Kosovo.

It is no secret that our delegation has from time to time expressed reservations about having regular public meetings on Kosovo, if only because this does not seem to be a practice that applies to all the major peacekeeping operations. We seem to do it for Kosovo and not for the others. Strangely enough, the United Nations Administration Mission in Kosovo (UNMIK) is not even the most expensive peacekeeping operation that we have. I was just looking at a Fifth Committee document that came out just three weeks ago — A/C.5/56/45 — that gives the appropriations for 2002-2003 for peacekeeping operations. The most expensive peacekeeping operation listed there is the United Nations Mission in Sierra Leone, with a budget of $699 million. The second most expensive peacekeeping operation is the United Nations Organization Mission in the Democratic Republic of the Congo, which gets $608 million per year. UNMIK is now number three, with $344 million per year. East Timor has gone down to fourth place. So why are we giving, in a sense, greater public attention to Kosovo?

At the same time, what is paradoxical about the situation in Kosovo is that we have public debates without public scrutiny. We seem to take a snapshot of the situation in Kosovo each time, but we seem to do little evaluation of long-term trends and our directions with regard to Kosovo. That is why I think that members who have heard us speak on Kosovo before have noticed that we always ask the question: What is our destination?

The reason we are very pleased to speak today is that to some extent the answer has finally been provided to us, first, of course, in a Council meeting two months ago, by Mr. Steiner in his statement to the Council. When he talked about the benchmark process, he said:

> "Attaining these benchmarks is an objective in itself. Kosovo can advance towards a fair and just society only when these minimum preconditions are met and when these changes in institutions are sustainable even without an international presence.

> "I offer this to the Council as an exit strategy, which is, in reality, an 'entry strategy' into the European integration process. The benchmarks complement the preconditions that Kosovo needs to meet to qualify for the stabilization and association process." (*S/PV.4518, p. 4*)

The good news is that Mr. Steiner did not just stop at what he said in those two paragraphs. He actually has gone much further and has now published an article in *Focus Kosovo*, which has, fortunately, been circulated to us this morning and which I was reading before the debate began. It is worth quoting what he says in that remarkable document:

> "One of my main responsibilities in implementing resolution 1244 is to design a process to determine Kosovo's future status. We will not be able to get to this stage until Kosovo's society and institutions show that they are ready. Therefore, we must spell out what is required in order to get there. This is why I have devised a series of benchmarks that will identify what needs to be done before we can launch the discussions on status. Kosovo can only advance towards a fair and just society when these minimum preconditions are met. First standards, then status. These standards also mirror those that are required to be considered for integration into Europe. On the one hand, they represent the beginnings of an exit strategy for the international community, but they are also in reality an entry strategy into Europe." (*Focus Kosovo, April 2002, p. 5*)

The thing I found most remarkable is that he goes beyond those general words to spell out an extremely detailed set of benchmarks of a kind that probably I had not seen for any other United Nations operation, touching on areas such as functioning democratic institutions, the rule of law, freedom of movement and reintegration, and even touching on the sensitive subject of the dialogue with Belgrade, where he refers normal relations with Belgrade and eventually with other neighbouring areas.

I do not know whether it is a practice for the Security Council occasionally to send letters of commendation, but I think that Mr. Steiner deserves one for spelling out such detailed benchmarks for us. Of course, I do not want in any way to suggest that other Special Representatives of the Secretary-General do not do equally good work. But Sergio Vieiro de Mello has done good work. But uit is important to commend officials when good work is provided to us.

Equally important, if such an innovation is found to be useful in Kosovo, the question is whether or not we can apply it to other operations also. I say this knowing, of course, that Kosovo has not up to now been one of the most successful files of the Security Council. I think that the prize for this, as we said in the final wrap-up session in December last year has to go to operations like East Timor, Sierra Leone and maybe Bosnia and Herzegovina. But with this development we have an innovation that is actually very helpful and very constructive, and which we hope will be shared with others.

I also want to add there that when Mr. Steiner put forward these benchmarks, he did not put them forward in a mechanical fashion. He actually put them forward within a larger vision that he had for the future.

I shall quote from some remarks he made in his article, which in a sense provide the backdrop for these benchmarks. He quotes the Sufi poet Jelaluddin Rumi. "Some people say," Rumi wrote, "there is no road to the mountain, and no mountain either." Mr. Steiner goes on to say:

> "For me the mountain, whose existence was being questioned by all those who had voted in November's elections, was a peaceful and self-sustaining Kosovo. The road to it was the development of a Government and civic ethos committed to cultural pluralism and the rule of law. Happily, the events of the past three months has proved beyond any reasonable doubt that both the mountain and the road to it do indeed exist.
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> "...
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> "But this mountain also belongs to the range that is Europe. Yes, it is sometimes cut off from the rest of the range by inclement weather so that the other mountains seem all but unreachable. But weather cannot change the fundamentals of geography; all the roads to Kosovo pass through Europe." (*p. 4*)

So, he is also articulating a larger vision for where we should be heading on Kosovo.

I hope in future discussions on the subject, since we are going to meet every month to discuss Kosovo, that we will reflect on both the benchmarks and the vision that Mr. Steiner has given to us and also on how much progress we are making in terms of achieving what he has set up for us.

Mr. Cunningham (United States of America): I thank Under-Secretary-General Guéhenno for his update.

I just want to make a couple of points. The first is to note that there is good news, and that progress is being made, as set out in Mr. Guéhenno's briefing. All the problems are still there, but we are seeing some forward movement along the path that we charted some time ago and that Mr. Steiner has helped put into a framework, as Ambassador Mahbubani just outlined.

The United States supports the continuing rule-of-law efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) and its zero-tolerance concept. We welcomed the news of last week's arrests, which really mark a positive step in strengthening the rule of law and promoting a safe and secure environment in Kosovo. This, we continue to believe, is an essential foundation for progress.

Another positive development is the arrival of Kosovo last week of Susan Carnduff, who will be the director for the 26 October municipal elections. We wish her and the Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo success in their efforts over the coming weeks in the run-up to the vote. They have a lot of work ahead of them.

We support the efforts of the OSCE Mission in Kosovo to ensure broad registration and participation, including by Serbs and other minorities, in those elections. This will be a particularly important vote, because the elected municipal officials will serve for four years. In addition, there will not be any minority set-asides. We applaud the provision for appropriate gender representation built into the presentation of party lists.

Finally, I would simply like to express again our support for the work being done by Special Representative Steiner. In particular, we note that his promulgation of the Kosovo Trust Agency regulation enables the important process of privatization in Kosovo to now move forward. We look forward to receiving the Secretary-General's quarterly report in July.

Ms. Lajous (Mexico) (*spoke in Spanish*): I should first like to thank Under-Secretary-General Jean-Marie Guéhenno for his briefing on the situation in Kosovo and on the progress achieved by the United Nations Interim Administration Mission in Kosovo (UNMIK).

My delegation has taken note with satisfaction of the completion of the Cabinet of the provisional institutions of self-government in Kosovo. Its members took office on 12 June. With the formation of this multi-ethnic Government, reflecting the results of last November's elections, a very important step has been taken towards reconciliation in Kosovo. It is significant that upon assuming their functions, the Prime Minister, other ministers and the Inter-Ministerial Coordinator on the return of refugees and displaced persons have committed themselves to work in the interests of all inhabitants of Kosovo, without discrimination.

We also welcome the measures adopted by UNMIK to encourage the return of refugees and displaced persons to their communities of origin in conditions that will genuinely enable those people to be reintegrated. I am referring specifically to the Mission document in which the principle of the right to sustainable return for those people is outlined. I would also refer to the creation in the Kosovo Government of the post of Inter-Ministerial Coordinator on the return of refugees and displaced persons, with ministerial rank. Similarly, we see as a positive sign the appointment of a new Senior Adviser on Returnees in the Office of Returns and Communities of UNMIK, who is to apply the principle of the right of sustainable return. The fact that both of those posts are now occupied by representatives of the Serb minority is a positive fact — a confirmation to that population that it is part of Kosovo.

Whoever holds public office in the future must not forget that the majority ethnic group and the major minority are not the only inhabitants of Kosovo, and that they have not been the only victims of the recent conflict and ethnic reprisals to which the conflict led. There are other minorities. Some of them traditionally have been marginalized, and their rights must be respected irrespective of their degree of presence in the Kosovo Assembly and the provisional institutions of self-government.

Regarding the security situation in Kosovo, my delegation read with interest the monthly United Nations report on the Kosovo Force (KFOR) operations, on the period from 1 to 30 April. We learned from this document that the security situation for that period remained tranquil and stable, with the exception of isolated cases and disturbances that took place in Mitrovica on 7 April. The prevailing situation in Mitrovica is an obstacle to reconciliation and an example of division and daily ethnic tension for the rest of the province, which must be resolved with the political will to put an end to this situation by peaceful means. We call upon UNMIK and the Government to find a solution.

Finally, my delegation places enormous importance on the municipal elections to be held in October this year. It is essential that those elections have the greatest possible number of voters participating, in particular minorities. We have the recent precedent of the November 2001 elections, in which the Serb minority decided to participate, thus showing their confidence in the possibility of a multi-ethnic society. We therefore appeal for this pattern of behaviour to continue. Broad electoral participation will generate confidence among all groups in a State based on the rule of law in Kosovo, which is a prerequisite for democratic multi-ethnic coexistence.

Mr. Tafrov (Bulgaria) (*spoke in French*): I thank you, Mr. President, for organizing today's meeting on Kosovo. The Council is right to deal regularly with the situation in Kosovo, in view of the gravity of the crisis recently. There is a need to closely follow developments in the situation, which — as we understand from Under-Secretary-General Jean-Marie Guéhenno's very concrete and useful briefing — while remaining calm and stable, is nevertheless ambiguous. Unfortunately, stability is still far from being achieved once and for all.

As a country associated with the European Union, Bulgaria fully aligns itself with the statement to be made shortly by the Ambassador of Spain on behalf of the Union. I will limit myself to a few comments in my national capacity.

We welcome the political developments in Kosovo, which are going in the right direction. I am thinking in particular of the appointment of Ministers of Serb origin. But now it seems to us that the time has come for the Kosovar authorities, along with the United Nations Interim Administration Mission in Kosovo (UNMIK), to focus on solving the day-to-day practical problems of all the inhabitants of the province.

Bulgaria hopes that the local elections will take place with respect for the timetable established by the international community. From this standpoint, we feel that the role of the Organization for Security and Cooperation in Europe is crucial. Bulgaria will do its utmost, both within this framework and on a bilateral basis, so that these elections can take place in the best possible circumstances.

We welcome the improved cooperation between UNMIK and the Belgrade authorities. This allows us to find practical and very useful solutions to Kosovo's problems in the framework and spirit of Security Council resolution 1244 (1999). I would like to take this opportunity to commend the activity of the Special Representative of the Secretary-General, Mr. Michael Steiner, especially his actions to foster strict implementation of resolution 1244 (1999). I think we all remember the painful incident when, with the Council's support, he had to declare null and void a decision taken by the Kosovar Assembly that was above and beyond its purview and that created some tension with the neighbouring Republic of Macedonia.

Steps undertaken by UNMIK and KFOR to reduce tensions in the southern part of the province, which borders on the Republic of Macedonia, should also be noted and welcomed. We believe that UNMIK and the Macedonian authorities will continue to find practical solutions to the border problems in order to improve daily life for the local population. Any attempt by local political authorities to use this issue for political purposes is totally unacceptable and counter-productive for the stability of the province and for the region as a whole. From this perspective, it is important that the international community and the Security Council find ways to convince the Kosovo political leaders that respect for resolution 1244 (1999) and the implementation of other constituent documents for Kosovo are matters of crucial importance.

Mr. Guéhenno spoke to us about the efforts of UNMIK and of the Kosovar authorities to combat organized crime and establish the rule of law. We welcome success in this sphere, particularly the priority being given to combating corruption and the trafficking

of human beings. These, in our view, are the major problems in the province.

The other aspect that we deem important and which Mr. Guéhenno discussed in his briefing is the economy. We have to realize that the return of refugees will not be possible until the economic situation is improved. This improvement involves economic reforms and the creation of a trust agency and a trust fund, which are extremely positive developments. I would like to highlight one problem that remains and that is the debt of enterprises to be privatized. In our view, the debt problem of Kosovar enterprises should be settled also by taking into account their obligations to international creditors, or debts entered into before 1999.

In conclusion, I would like to reiterate the position of my delegation and my country that the Security Council should continue to consider regularly the situation in Kosovo, and I would like to express my thanks, Mr. President, for this being done during this month.

The President (*spoke in Arabic*): I thank the representative of Bulgaria for his kind words.

Mr. Valdivieso (Colombia)(*spoke in Spanish*): I would also like to thank Mr. Guéhenno for his briefing. It is important that this public meeting follow through on one of the United Nations' most worthy efforts, specifically that of accompanying a process that depends on the efforts, in this case, being promoted by the Kosovars themselves, in order to achieve, as several speakers have already said, a pluralistic, democratic model that will guarantee multi-ethnic integration. I think we need to say that things are moving forward, amidst a great deal of tension, in a positive direction.

I therefore feel it is important to highlight the activities promoted by Mr. Steiner from Pristina to overcome the crisis of last 23 May, when the Kosovo Assembly declared null and void the border agreements between the Federal Republic of Yugoslavia and Macedonia. We wish to reiterate our support for the decisions taken by Mr. Steiner in declaring those resolutions null and void. While the events of 23 May did not affect the implementation of the provisional constitutional framework, they do represent a political event of major importance. We hope that these episodes, these events, will not have any greater effect on Kosovo's political future.

We believe also that the Kosovo Assembly must focus on activities to promote institution-building. It is also essential for the Kosovo Government to continue to support the United Nations Interim Administration Mission in Kosovo in pursuing the important objective of restoring democracy and social stability.

Among the achievements made in recent months, I would like to highlight the implementation of the provisional constitutional framework for self-government, which established new political institutions and democratic electoral processes. We know that many activities have already been successfully undertaken. However, with regard to the Office of the Inter-Ministerial Coordinator on Returns, we urge the Kosovar community to make a particular commitment to those who are returning to their places of origin. We believe that the return of refugees and their proper reintegration into society will require a special effort. Experience shows that this is not a mechanical process; they must be welcomed and accepted by those in the region to which they are returning — the region that they left specifically because of the conflict.

I would like to comment on efforts to combat organized crime and violence in the region. These are matters of priority if appropriate conditions for coexistence are to be ensured. The agreements drawn up with the police force aimed at achieving greater security in the region and in the border areas — such as the agreement signed on 31 May in Belgrade — are examples of cooperation between the United Nations Interim Administration Mission in Kosovo and Yugoslavia, and I would like once again to highlight them.

Recent events also show that there are significant weaknesses within the Department of Justice with regard to combating organized and inter-ethnic crime. I would like to refer to two matters that appear in the magazine that was distributed to us. The first relates to the need for the United Nations to speed up the appointment of judges and auxiliary personnel, as called for by the head of the UNMIK Department of Justice. Better results will be achieved if justice can be assured as soon as possible. The United Nations must try to introduce a procedure that will speed up the selection process.

Furthermore, there is a need for minorities to be included in the judicial system. This requirement must

be taken into account, and a major effort must be made. Above all, we must seek cooperation. I believe that it is worth insisting on this point. Mechanisms should be established that will allow the Yugoslavian Government to play a greater role. We must hope that Belgrade will cooperate so that such inclusion can be achieved. A number of internal administrative arguments might be put forward that would go against facilitating such cooperation, but only a judicial system that is as representative as possible will ensure greater trust and security and enable positive results to be achieved in the area of justice in this post-conflict phase.

Mr. Tidjani (Cameroon) (*spoke in French*): I, too, would like to thank Mr. Jean-Marie Guéhenno for his briefing, which provided us with a clear sense of the situation in Kosovo, especially with regard to progress achieved since our last meeting. The management of the situation in Kosovo by the international community in general and the United Nations in particular continues to give rise to hope and expectation. We hope to rid this region of the old demons of war, violence and hatred and to ensure peace, security, stability, tolerance and reconciliation. We believe that that is the only way to generate a climate of confidence among the parties and to restore better living conditions and socio-economic growth that benefits all.

We are expectant in hoping that the parties concerned will cooperate fully in the implementation of the measures set forth in order to achieve our common objectives. Such cooperation will be essential and will require from all the parties a conciliatory and responsible attitude at all times, taking into account the requirements of peace and security in the region, as well as of those resulting from geography and common history.

The 24 April briefing on the situation in Kosovo by Mr. Steiner, the Special Representative of the Secretary-General, convinced us that we were on the right path. We even thought that new measures could be taken with a view to speeding up the process of a return to normal living conditions in the region. Indeed, members may recall that Mr. Steiner, after having described the progress achieved within the framework of the new phase of United Nations operations — the parliamentary and presidential elections, the establishment of a multi-ethnic Government, the initial stages of a civil service, the improved functioning of the police force and judicial system — said that he believed that the time had come to gradually transfer authority within Kosovo to the provisional institutions, without the future political status of the province being affected. He then identified benchmarks relating specifically to the existence of representative, effective and functional institutions, the primacy of law, respect for the right of all the inhabitants of Kosovo to live there, the development of a viable market economy and normalized dialogue with Belgrade and neighbouring States.

My delegation welcomes the news that these elements have begun to take shape, in particular through the establishment of a multi-ethnic Government working to benefit all communities. This is very important for Kosovo. We should also emphasize the steps that have been taken to ensure the rule of law, which has the support of all communities, as well as to combat crime and terrorism by means of a mechanism for regional cooperation. We welcome all of this progress, as well as the prospects for the future, because every time a conflict is brought to an end somewhere in the world, international peace and security are strengthened.

We should remember, however, that our optimism and our expectations have suffered a setback as a result of the adoption by the Kosovo Assembly of a resolution that goes against the mandate of resolution 1244 (1999) and violates the constitutional framework. That initiative runs the risk of undermining all the important progress achieved to date as a result of the sustained efforts of the international community and the United Nations. We, the members of the Security Council, must fully assume our responsibilities. It is thus up to us to ensure the full implementation of resolution 1244 (1999). My delegation believes that Mr. Steiner's proposals seem to offer the best way forward in this respect. His appeal for financial and technical assistance in order to build on past achievements takes on renewed importance today, given Mr. Guéhenno briefing.

The balance patiently negotiated and achieved at Dayton must be strengthened, not eroded or destroyed. In that regard, I would like to thank Mr. Steiner for his personal commitment and forthrightness and for his tireless efforts to restore peace and security in the region. I would also like to encourage him to persevere on that path and to assure him of my country's full

support, just as he has the support of the Security Council as a whole.

Finally, we wish to commend the efforts made with regard to the upcoming municipal elections, which have in particular taken minority communities into account. This illustrates the confidence and hope that the people of Kosovo have in UNMIK. It also demonstrates that UNMIK is doing very good work. I also wish to mention the inter-ethnic dialogue begun among families of the disappeared through the efforts of Mr. Steiner, as well as the issues of refugee return and reintegration, which also deserve special attention.

As in the past, authorities in Kosovo have been able to demonstrate their ability to adapt in the face of the requirements of their responsibilities to their peoples, to the Balkan region and to the international community, all the while being guided by the imperatives of international peace and security. I therefore hope that they will positively respond to the appeal of Cameroon.

Mr. Gokool (Mauritius): First of all, my delegation joins others in thanking Mr. Guéhenno for his informative briefing today on the situation in Kosovo.

As the United Nations Interim Administration Mission in Kosovo (UNMIK) celebrates its third anniversary this month, we would like to pay tribute to all those who have worked, and all those who are still working hard, to establish peace and stability in Kosovo. The international community, and UNMIK in particular, can look back with satisfaction on the great achievements made since the Mission's arrival in Kosovo. No doubt, still more needs to be done. The reins are now in the hands of local leaders, to build a society based on democracy, multi-ethnicity and the rule of law.

The international community cannot disengage itself at this stage from Kosovo, at least not until it is reassured that the newly established Government is able to manage its affairs in the best interests of all. With the appointment of the Inter-Ministerial Coordinator on Returns, the Kosovo Government is now fully constituted and reflects the multi-ethnic character of the population. Without doubt, the members of the Government, having taken the oath of office, will have to work together in shaping the future of Kosovo without discrimination on any grounds. We take note of the positive developments and encourage the leaders to work truthfully by the letter and spirit of the Constitutional Framework Agreement, and in line with resolution 1244 (1999).

We are happy to note that the ingredients necessary to make the machinery function in Kosovo are in place. In fact, the minorities have appointed their representative; the members of the Government have taken their oath to show allegiance to their respective posts; and laws are being passed to facilitate the integration of ethnic minorities into the mainstream of society. Moreover, the robust campaigning by UNMIK and KFOR to combat crime and other illegal activities has been successful in steadily reducing the crime rates. The economy is picking up, and increasing numbers of schools and hospitals are operating.

All these developments are most welcome. We hope that this trend will continue and that Kosovo will soon be able to be a stable and peaceful place where all communities participate in the institutions that have been set up under resolution 1244 (1999). We encourage minority communities, especially in the Mitrovica region, to abandon parallel structures and to abide by the law enforced by UNMIK and KFOR.

Regional integration is an important factor in the development of Kosovo. The provisional self-government should strengthen its relations with neighbouring countries, in particular with Belgrade. We believe that enhanced cooperation with the Belgrade authorities is an important component in helping to solve the many difficult remaining issues, especially in the upcoming municipal elections. We appreciate the efforts of the authorities in Belgrade to help the Serb communities to participate in larger numbers, thus making the exercise more participatory and representative.

As regards the return of internally displaced persons and refugees, the steps taken by the Government of Kosovo and UNMIK to encourage mass returns are noteworthy. Now that the Serb community has its representatives in the Government, their concerns will be properly addressed and the return of members of that community to their homes will be facilitated. However, we believe that in order to be sustainable it is more than necessary for that process to have continued assistance from the donor community.

Finally, we extend a special thanks to Mr. Steiner, the Special Representative of the Secretary-General, for his commendable efforts in advancing the peace

process in Kosovo. We agree with his observation that Kosovo's institutions should be ready for Kosovo to advance towards a fair and just society.

Mr. Zhang Yishan (China) (*spoke in Chinese*): First of all, like previous speakers, I too would like to thank, Under-Secretary-General Guéhenno for his briefing.

The United Nations Interim Administration in Kosovo (UNMIK) has been in existence for three years, and it is necessary for us to review and sum up the situation in order to further improve and refine our work in the future. As we do that, therefore, and while recognizing the achievements made, I believe our emphasis should be on lessons learned, so that our work in the future may be more effective.

During the last three years, the international community has indeed attained some achievements in Kosovo. We appreciate the fact that, under different Mission Heads, UNMIK has done a great deal of work. For instance, we have seen a marked decrease in the crime rate; a society based on the rule of law is now taking shape; the Serb minority is now beginning to participate in the provisional Government; and the legislature and provisional Government are functioning normally. In addition, UNMIK and the Federal Republic of Yugoslavia have signed a joint document to resolve a series of problems. There has also been an exchange of prisoners of war between Kosovo Serbs and Albanians. UNMIK has also established benchmarks, including ones relating to the expected large-scale return of refugees in the years 2003 and 2004.

But I must at the same time point out that we are still faced with many difficulties and that the situation in Kosovo is still a cause of concern to us. I now wish to stress three points.

First, I would like to mention the rights and interests of ethnic minorities, and in particular as regards their safety. The question of how the security situation can be improved to facilitate the rapid return of ethnic minorities is still a matter that requires the attention of the Security Council.

The Deputy Prime Minister of Serbia, Federal Republic of Yugoslavia, Mr. Čović, in meetings of the Security Council has repeatedly presented statistics and other data to describe the living conditions of the ethnic minorities in Kosovo, eliciting a strong reaction from many present, including the Chinese delegation. We hope that the United Nations Interim Administration Mission in Kosovo (UNMIK), in fulfilling its mandates in various fields in accordance with the benchmarks that have been defined, can fully consider the legitimate concerns of the ethnic minorities and work towards resolution of their problems. The reason for this is simple. Without a guarantee of the rights of the ethnic minorities there can be no multi-cultural, multi-ethnic society in Kosovo, nor can UNMIK really meet the benchmarks.

Secondly, with respect to comprehensive implementation of resolution 1244 (1999), we take note of the fact that promulgation of the Constitutional Framework of the Kosovo provisional institutions of self-government has created some doubt as to whether resolution 1244 (1999) has been effectively implemented, that is, whether settlement of the status of Kosovo is being resolved within the framework of the Federal Republic of Yugoslavia. Although a legislative election took place as scheduled, political stalemate soon followed within the ruling coalition. When Mr. Steiner assumed his position as the newly appointed Special Representative of the Secretary-General, he set ending this political stalemate as his priority. But when the provisional Government was announced, with Mr. Rugova as head, Mr. Rugova immediately made a statement favouring Kosovo independence, which had a negative impact on the situation in the region. Subsequent decisions made by both the provisional Government and its legislature regarding the territory of Kosovo have not only been detrimental to the authority of the Special Representative of the Secretary-General; they are also in contravention of Security Council resolutions and international practice. It is necessary to point out here that attempts to put Kosovo on the road to independence are not conducive to the stability and peace of the region.

Thirdly, a comprehensive strategy is needed to resolve the Kosovo question. The municipal elections to be held in October are now the focus of our attention. But without an appropriate resolution of issues such as the return of refugees, missing persons, the security and safety of ethnic minorities and economic reconstruction, achievements in the political process will inevitably be undermined. It is necessary for the international community to pay equal attention to the resolution of the problems I have outlined.

In sum, we hope the work of the United Nations in Kosovo can be completed in good time so we can consolidate the achievements already made and live up to the expectations of those who truly care about the destiny of the various ethnic groups in Kosovo.

Mr. Levitte (France) (*spoke in French*): I thank Jean-Marie Guéhenno for his very complete — as usual — briefing on the latest developments in Kosovo. France endorses the statement which the representative of Spain will make during our discussion on behalf of the European Union. I shall limit my statement to recalling issues which are important to us in our national capacity.

Mr. Steiner and his team deserve our encouragement and support. Three years after the adoption of resolution 1244 (1999) and the arrival of the United Nations in Kosovo we have come a long way. The international community remains determined to foster complete implementation of the resolution and ensure its respect. Since the Special Representative of the Secretary-General took up his duties in February additional steps have been taken. Mr. Steiner has succeeded in making the provisional institutions of self-government a reality. He fostered their establishment and convinced representatives of all the components of Kosovar society to take part in them. He has encouraged implementation of the Constitutional Framework while seeing to it that initiatives which do not respect its provisions are identified. Thanks to the action of the United Nations Interim Administration Mission in Kosovo (UNMIK), noteworthy results have been achieved.

We should also welcome the dialogue between the Special Representative of the Secretary-General and the Yugoslav authorities. It is important that trusting cooperation be established between UNMIK and the provisional institutions on one hand and the Belgrade authorities on the other with respect for the competences of each. Implementation of the Common Document of 5 November 2001 remains the cornerstone of this relationship and of the implementation of resolution 1244 (1999). Moreover, Mr. Steiner has emphasized the importance of the return of refugees and displaced persons. No effort should be spared in making these returns a reality. Their success will be decisive in gauging the ability of Kosovar society to find roots in democracy, to eliminate violence and make a positive contribution to regional stability. All Kosovars should mobilize to ensure the success of the projects managed by UNMIK. This mobilization should extend to restoring the rule of law, affirming justice and combating impunity. We support UNMIK's actions in that regard.

Self-governing authorities should get involved in daily life in Kosovo by complying fully with resolution 1244 (1999) and the Constitutional Framework — and with nothing else. The conditions for beginning specific work are now present. More than 100 days after its inauguration, the Government is complete, now that the Minister of Agriculture and the Inter-Ministerial Coordinator for Returns have taken their oath before Mr. Steiner. We should welcome this. What we have to do now is work for the well-being of the entire population without any distinction as to origin. The benchmarks referred to by the Secretary-General in his latest report will enable us more precisely to evaluate progress achieved by Kosovo in the areas of democracy, the rule of law, regional stability and respect for international law. Kosovo officials should continue their efforts along those lines. There is no alternative. This is the condition in order for Kosovo to move closer to European standards. Any action contrary to resolution 1244 (1999) and the Constitutional Framework will run directly counter to that objective.

In this regard, initiatives such as the resolution on the protection of the territorial integrity of Kosovo, which exceed the competence of the self-government institutions, are null and void. The Security Council and the Special Representative of the Secretary-General emphasized this recently. Such initiatives prevent Kosovo from making progress towards stability and a better future. The provisional institutions of self-government must show their sense of responsibility in this regard. We will firmly support the Special Representative of the Secretary-General in his efforts to ensure that the rule of law is respected. In this context, we support the 13 June guidelines for agreements of institutions of self-government in the area of international cooperation.

Respect for international law is incumbent upon the institutions of self-government, as well as upon States. That principle should have prevailed with regard to the memorandum of understanding signed on 30 May between the Minister for Economic Affairs of the Republic of Albania and the Minister for Trade and Industry of the Kosovar Government. The Special Representative quite rightly declared that memorandum

of understanding null and void. The logic behind the stabilization and association process launched by the European Union for States in the region calls for States to avoid all interference in the rule of law and the efforts of the international community in Kosovo. That is the spirit of the Zagreb summit, which we must maintain.

Finally, the Security Council's position regarding the Agreement on the border between Yugoslavia and Macedonia is clear. Practical arrangements regarding its implementation, concluded through dialogue and cooperation between all the parties concerned, should help invigorate the spirit of the Zagreb summit.

Mr. Kolby (Norway): First, I would like to thank Mr. Guéhenno for his briefing, and the staff of the United Nations Interim Administration Mission in Kosovo (UNMIK) for their dedicated work to implement resolution 1244 (1999). Norway supports Special Representative Steiner's continued efforts to consolidate the rule of law in Kosovo. The latest arrest of six former members of the Kosovo Liberation Army (KLA) demonstrates that no one is above the law. We call on Kosovo leaders to cooperate with UNMIK in promoting the rule of law and human rights in Kosovo, based on a zero-tolerance policy.

Norway welcomes recent statements and gestures promoting dialogue, inter-ethnic reconciliation and return of displaced persons, including by Prime Minister Rexhepi. We encourage other Kosovo Albanian leaders to follow his example and to transform words and ideas into concrete action so that inter-ethnic reconciliation in Kosovo can be realized in practice.

We reiterate our support for the benchmark approach of the Special Representative of the Secretary-General. One key benchmark is the existence of effective, representative and functioning provisional institutions of self-government. This is one of the main challenges in the coming months. Serb participation is a positive step. The institutions must have a multi-ethnic and politically neutral civil service. Only then can they function impartially and for the benefit of all in Kosovo.

Norway welcomes Mr. Steiner's concept paper on principles for sustainable return of internally displaced persons and refugees, which is another key benchmark. Resolution 1244 (1999) confirms the right of all internally displaced persons and refugees to return to their homes in Kosovo. It is the responsibility of the provisional institutions of self-government and UNMIK to ensure that right.

Our credibility is at stake here. We need to see results in the near future if this benchmark is to be reached at all. Furthermore, it is urgent that conditions be created that will convince minorities to remain in Kosovo. Unless the trend of minorities leaving Kosovo is reversed, it will be impossible to achieve the sustainable return of any significant number.

Needless to say, the security environment must be improved. But the issue of property rights too should be addressed with increased urgency. Confusion and unclearness regarding property ownership are core obstacles to return. They also hamper economic investment. Norway supports the efforts of the Housing and Property Directorate in that regard. We welcome the increased emphasis placed on the return of internally displaced persons by Special Representative Steiner, but we would like to encourage more attention and resources for the Directorate's work in order to increase efficiency and the processing of cases. That would improve living conditions for thousands of internally displaced persons currently facing difficult conditions, unable to return to their homes.

We reiterate our support for the Special Representative's annulment of the Kosovo Assembly's attempts to deal with issues beyond its authority. Norway urges the Kosovo Assembly to dedicate itself to fulfilling the Special Representative's benchmarks and to focus its attention on addressing tasks within its mandate, on which progress is urgently needed.

Cooperation between Pristina, representented by UNMIK and the provisional institutions of self-government, and Belgrade, is vital for the implementation of resolution 1244 (1999). Deputy Prime Minister Čović has played a constructive role in this respect. We encourage Čović and Special Representative Steiner to work together to support moderate elected Serb representatives in their endeavours to work constructively within the structures of provisional institutions of self-government.

Mr. Eldon (United Kingdom): My thanks to Jean-Marie Guehenno for another typically very helpful, comprehensive and useful briefing. I will be as brief as I possibly can this morning because, as others have noted, the representative of Spain will be speaking later on behalf of the European Union.

There are a few points I would like to draw out as national priorities. The first is that we continue to support Special Representative Steiner's priorities for the United Nations Interim Administration Mission in Kosovo (UNMIK): strengthening law and order, making progress on the economy and creating a safe society for all communities. These issues are all important for Kosovo's development as a forward-looking, tolerant and prosperous society.

We have spoken in earlier briefings and debates about the importance of the participation of the minority communities in Kosovo. So the appointment of a minister from a Serbian community to serve in the provisional self-government is a welcome step forward. The interests of Kosovo's minority communities can now be fully represented in the provisional self-government.

We also welcome the continued teamwork between Belgrade and UNMIK, including the recent agreements that have been reached on police cooperation and railways. The inclusion of representatives from the provisional self-government in Pristina in this process is essential. That is a point that we have made on several occasions, and I hope that it will happen.

But that leads me to a point that Under-Secretary-General Guéhenno and others mentioned earlier this morning, which is the question of Kosovo's international relations.

It is important that Kosovo develop good relations with others in the region, not least to promote trade and prosperity. However, the Kosovo Assembly and self-government institutions must act at all times within the terms of Security Council resolution 1244 (1999) and the Constitutional Framework.

We were therefore concerned about the recent Albania-Kosovo agreement on trade cooperation. UNMIK has a clear responsibility for Kosovo's external relations, and we fully support Special Representative Steiner in his efforts to ensure that any external agreements with Kosovo are coordinated with UNMIK and signed by Mr. Steiner.

The Assembly and the institutions of self-government must realize that any agreement signed without UNMIK's involvement will not be recognized by the international community. The agreement with Albania should now be renegotiated with UNMIK's involvement.

On refugee returns, the United Kingdom is keen and willing to fund projects to help this process. We await concrete proposals from UNMIK to take this forward. We will encourage as many Governments as possible to join in this effort.

Finally, another perennial United Kingdom point: organized crime and extremism. The current level of organized crime and extremism in Kosovo remains extremely worrying. This is a key factor in holding back economic and political development and also in holding back refugee returns on a substantial scale. We continue to support robust action by UNMIK and by KFOR against those engaged in such activities, and we welcome the recent arrests by UNMIK of four suspects for crimes committed against Kosovars in June 1999.

I will stop now, but I would endorse much of what Ambassador Mahbubani had to say about the Special Representative's approach and about the very useful material which we found waiting for us on our desks this morning. We continue to believe that these discussions in the Council on Kosovo are very useful.

Mr. Corr (Ireland): My delegation joins others in also thanking Under-Secretary-General Guéhenno for his comprehensive briefing this morning on recent developments in Kosovo.

Ireland, of course, fully supports the statement that will be delivered shortly by the representative of Spain on behalf of the European Union, so I will make only a few points of particular emphasis to my delegation at this stage of our discussion.

Ireland welcomes the increased progress on ensuring participation by all communities in the provisional institutions of self-government. The acceptance by the coalition Povratak of their positions in the Provisional Government is especially welcome. It is essential that Kosovo have a truly multi-ethnic Government with genuine cooperation between the different communities represented.

Ireland warmly commends the work being done by Special Representative Steiner, including the priorities he has outlined and, of course, on the benchmarking process. We also warmly commend, as Ambassador Eldon just said, the policy of openness and transparency the Special Representative has brought to his work since his appointment.

The Security Council made clear last month that the resolution adopted by the Kosovo Assembly regarding the border agreement between the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia was, as stated by the Special Representative, null and void. The adoption of such resolutions, which also called the Common Document into question, does not enhance the credibility of the Kosovo Assembly. It also creates real obstacles to the development of regional dialogue.

Therefore, it is essential now that the Kosovo Assembly focus on the critical tasks within its competence. Clear progress is urgently needed in these areas, including education and health, the creation of jobs and the strengthening of the rule of law. As Mr. Steiner has said, the Assembly must not allow itself to be sidetracked from its very substantial responsibilities.

Kosovo's elected leaders must now work to develop a genuine political dialogue — within as well as between Kosovo's various communities — if the Provisional Government is to be fully effective. Such a dialogue will be central to the preparations for municipal elections in October.

Under-Secretary-General Guéhenno's update this morning on the preparations for the municipal elections was encouraging. The level of participation in the preparatory process is heartening and a substantial improvement on the situation in the municipal elections held two years ago.

My delegation welcomes the most recent meeting of the Federal Republic of Yugoslavia-UNMIK High-ranking Working Group, held in Belgrade at the end of May. This fourth meeting since the signature of the Common Document last November is an important signal of increased cooperation.

Mr. Steiner has articulated a comprehensive vision for Kosovo's future development, based on economic progress, the rule of law, and a fair and just society for all the peoples of Kosovo. An emphasis on economic reform and reconstruction, including privatization, will be essential to ensuring real and lasting stability in Kosovo.

As we have said before, progress on the creation of a society based on the rule of law is fundamental if Kosovo is to ensure its future development, and particularly if it wishes to open up genuine European perspectives. Democracy will not take root in an environment in which crime, violence or terrorism flourish. Ethnically motivated violence is a particular scourge, and such incidents can only harm Kosovo's European progress. We commend the Special Representative's strengthening of the UNMIK police and his introduction of special regulations to tackle organized crime, as well as the policy of zero tolerance which informs his approach.

Ireland welcomes the general calm that has prevailed in Mitrovica since the attacks on UNMIK police in early April. While there have clearly been ongoing tensions given the continued detention of those arrested at that time, the lack of further protests of this nature is encouraging. But there remains a need for further engagement on the part of local community leaders who have condemned these and similar attacks, to send the clear message that there is nothing whatsoever to be gained from extremism. It is imperative that in the northern part of Kosovo the authority of UNMIK is respected.

Ireland strongly supports the emphasis given by UNMIK to minority returns, which, like the prisoners issue, remains deeply emotive. As Mr. Steiner has said — and Under-Secretary-General Guéhenno made the point as well this morning — there is hope for a real breakthrough on returns over the next number of years, and we must encourage all efforts, locally and regionally, to ensure that this opportunity is seized.

My delegation is also grateful for Mr. Guéhenno's update on the issue of the location of the missing. The sensitivity of this issue and its central importance in the wider promotion of justice cannot be underestimated.

Kosovo's vocation lies in Europe. Peace and stability in south-eastern Europe are clearly dependent on Kosovo's successful development. Kosovo's leaders must work to build a truly multi-ethnic, democratic society to ensure Kosovo's progress along the road towards European integration.

Ireland, together with our partners in the European Union, will continue to support greater integration and regional cooperation through the Stability Pact and the stabilization and association process.

The President (*spoke in Arabic*): I shall now make a statement in my capacity as representative of the Syrian Arab Republic.

My delegation, like all other members of the Security Council, wishes to thank Under-Secretary-General Jean-Marie Guéhenno for his and detailed briefing on the latest developments, in all of their aspects, in Kosovo.

My delegation welcomes the recent positive developments in Kosovo, particularly the establishment of an administration that includes members of the Kosovo Serb Return Coalition. We believe this is significant progress and a good development after the latest briefing by Mr. Steiner on 24 April.

We should like to pay tribute to the United Nations Interim Administration Mission in Kosovo (UNMIK). We believe that it is continuing to act in cooperation with the provisional Government in order to transfer authority according to the guidelines prepared by Mr. Steiner. We believe that UNMIK is working to ensure that any measures taken by the provisional Government are in line with the guidelines, benchmarks and provisions of resolution 1244 (1999) and the Constitutional Framework. We appreciate the ongoing efforts by the Federal Republic of Yugoslavia in cooperating with UNMIK.

My delegation also pays tribute to the KFOR for its work to combat transboundary trafficking and to prevent the illegal activities of traffickers. We encourage KFOR to continue cooperating with local police forces according to the mechanisms set up by Mr. Steiner to combat regional crime and promote the rule of law. We believe that combating regional crime requires cooperation with neighbouring States to ensure a comprehensive approach.

We express our appreciation for improvement in both the economic and financial areas. My delegation encourages the continuing efforts to repatriate displaced persons. We believe that would reinforce stability in Kosovo, particularly following the return of significant numbers of displaced persons to their homes and their increasing participation in rebuilding their country.

We look forward with confidence to the municipal elections that will take place in October. We hope that all communities and ethnic minorities in Kosovo will be represented in these elections and that participation by all parties will be assured.

We thank Mr. Steiner and all those working in UNMIK for the efforts they have continued to make to ensure quiet and stability in Kosovo and the Balkans in general.

I now resume my function as Council President. I now give the floor to the representative of the Federal Republic of Yugoslavia.

Mr. Šahović (Federal Republic of Yugoslavia): Before I proceed with my statement, I would like to thank you, Sir, for convening this meeting and to congratulate you on the exceptional manner in which you conducted the business of the Council during the month of June. I also thank Under-Secretary-General Guéhenno for his as usual very informative and comprehensive briefing.

Three years of the international presence in Kosovo and Metohija were marked recently. The Special Representative, Mr. Steiner, spoke on that occasion in very positive terms of the results achieved in their mission thus far.

No doubt, there has been some progress in some areas. Kosovo and Metohija is certainly not the same place it was in June 1999. However, we must be fair and realistic in our assessment in order to be able to move forward. So much has yet to be done and achieved in order to restore normalcy to the province. Therefore, we find it necessary to recall a few facts concerning the three-year presence of the United Nations Interim Administration Mission in Kosovo (UNMIK).

Recent pronouncements of a dramatic drop in crime and improved security for minorities do not give an accurate picture of the dangers that the ever-dwindling minority population faces every day. Two thirds of the total number of murders and abductions of Serbs and other non-Albanians in the last four years have been committed since the arrival of international forces. Few, if any, perpetrators have been brought to justice. Only recently, Aleksandar Dodic, 18, was murdered at mid-day in the Vitina marketplace.

Freedom of movement outside enclaves is still non-existent. Some time ago, it was mentioned here at the Council that when Serbs and other non-Albanians travel in Kosovo and Metohija, they take buses that have no timetables. For security reasons, dates and times of arrivals and departures are unknown. This situation continues.

Unforgivably little has been done to clarify the fate of 1,300 abducted and missing non-Albanians. The

property of minorities has been usurped, their cultural heritage destroyed. In the town of Orahovac, 60 per cent of Serbian graves have been desecrated. The Serbs, the largest minority in the province, have received no reassurances whatever that even their language will survive. The Serbian language programme of TV Kosovo lasts seven minutes a day.

Bearing all this in mind, it is not surprising that only about a mere few hundred Serbian internally displaced persons out of a total 226,000 have ventured to return to Kosovo and Metohija to date. If this tempo remains unchanged, Kosovo and Metohija will forever remain a mono-ethnic society. Consequently, we find it difficult to comprehend what constitutes the improved chances for returns that UNMIK officials have recently been speaking about.

My Government welcomes the constitution of the Kosovo Government as one of the positive achievements. The representatives of the Serbian Coalition Povratak have taken their rightful place, thereby affirming their willingness to participate in building the future of Kosovo and Metohija. In particular, we welcome the Prime Minister's pledge to work on behalf of all residents of the province. Yugoslavia expects that this pledge will result in the first step towards ending the current situation, in which Povratak deputies come to the Assembly in armoured vehicles accompanied by a heavy international security detail.

We also feel obliged to recall that the Kosovo Assembly, acting contrary to Security Council resolution 1244 (1999), the Constitutional Framework and the repeatedly stated positions of this Council, recently adopted a resolution rejecting the agreement on the delineation of the border between the Federal Republic of Yugoslavia and the Republic of Macedonia, as well as the Federal Republic of Yugoslavia-UNMIK Common Document. My Government expressed its appreciation of Mr. Steiner's prompt declaration of the resolution as legally invalid. However, our concerns about the political implications of this act remain, even more so in the light of the attempt by the provisional institutions to sign a trade agreement with Albania, which we strongly condemn.

We agree that Kosovo and Metohija will not be able to move forward until and unless an economic recovery begins. In that context, the Government of Serbia has informed UNMIK of its full support for privatization in the province, believing it to be a basic precondition for future stable economic development. After all, we in Yugoslavia have also embarked on the path of privatization.

However, my Government considers that the model proposed by UNMIK fails to respect the fundamental principle of the protection of creditors. In view of the many interconnections in terms of present ownership and the need to build a common economic space in our region, we believe that it is of utmost importance that Serbia be actively involved in the privatization process in Kosovo and Metohija.

On a related matter, the Republic of Serbia is being held responsible for, and is servicing, $1.4 billion of debt incurred by entities in Kosovo and Metohija. At the same time, many Serbian banks have substantial receivables due them from entities in the province. UNMIK, however, proposes to carry out privatization while unloading the enormous debt burden on a fragile Serbian economy.

The situation in Kosovska Mitrovica has often been cited as a cause for international concern. While we fully agree that a solution for this sensitive issue needs to be agreed on, I would like to bring to the Council's attention a fact that is less frequently mentioned. Northern Kosovska Mitrovica remains the only multi-ethnic urban area among otherwise mono-ethnic Kosovo and Metohija cities. Its population comprises thousands of Serbs, Albanians, Bosniacs, Turks and Roma.

Ill-conceived action aimed at finding a hasty solution could result in a new, and possibly final, exodus of Serbs. It is our firm position that equal standards and rules regarding returns to cities need to be applied throughout Kosovo and Metohija. The consideration of various proposals regarding the possible organization of local government would be very useful in dealing with the problem, taking into account the rights of minorities.

The international community has a huge responsibility in Kosovo and Metohija in the period ahead. UNMIK and the Kosovo provisional institutions should concentrate their efforts on strengthening the rule of law, full respect for the human rights of all residents, especially minorities, building of a democratic, multi-ethnic society and institutions, combating organized crime and corruption, and improving of the economic situation. The benchmark

concept presented by the Special Representative of the Secretary-General in his April statement to the Council presupposes certain standards in these and other areas that ought to be met in the future. The most important benchmark, however, will be a change of attitude of the majority that will make the return of displaced Serbs and other non-Albanians a reality. This should be the responsibility of local Albanian politicians, to be taken up in deed rather than in word.

For our part, we affirm once again our readiness for dialogue and cooperation in the implementation of resolution 1244 (1999), as stated in the Federal Republic of Yugoslavia-UNMIK Common Document. Within this framework, UNMIK and the Kosovo Government can rely on our full support in the efforts to bring Kosovo and Metohija into Europe eventually, which is our common goal.

The President (*spoke in Arabic*): I thank the representative of the Federal Republic of Yugoslavia for his kind words.

I now give the floor to the representative of Spain. I invite her to take a seat at the Council table and to make her statement.

Ms. Menéndez (Spain) (*spoke in Spanish*): I have the honour to speak on behalf of the European Union. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, Cyprus, Malta, Turkey, Iceland and Liechtenstein align themselves with this statement.

Let me first of all thank Under-Secretary-General Guéhenno for his briefing today. The European Union supports the determination with which the Special Representative of the Secretary-General, Mr. Steiner, is implementing his benchmark policy to measure progress in the establishment of a multi-ethnic, politically stable and economically sustainable Kosovo.

Achieving a culture based on the rule of law, tackling crime and violence and ensuring economic progress are the priorities on which all efforts need to be concentrated before considering issues pertaining to the status of Kosovo. We are encouraged to see that the priorities set out in the draft programme submitted by the provisional Government to the Kosovo Assembly point in the same direction as the benchmarks.

We welcome the fact that the representatives of the Povratak coalition have taken up the positions assigned to them in the provisional Government and in the Office of the Special Representative of the Secretary-General. The full participation of the Serb community, and indeed of all minorities in Kosovo, remains paramount for the good functioning of the provisional institutions, as well as for ensuring that their interests are fully taken into account and defended. It will also prove crucial to foster the return process and to promote reconciliation and inter-communal confidence-building.

We support the emphasis of the United Nations Interim Administration Mission in Kosovo (UNMIK) on minority return and expect that the new Inter-Ministerial Coordinator on Returns and the Senior Adviser in the Office of Returns and Communities will play an important role in helping to shape policies aimed at facilitating sustainable returns and integrating non-majority communities into mainstream Kosovo society.

More than one million people are still displaced around the region as a legacy of the conflict. The past few years have shown that, when conditions are established on the ground, especially for minority returns, progress can be achieved quickly. All regional actors must spare no effort in putting into place the appropriate security and legislative conditions for return and in allocating the resources to ensure its sustainability.

The European Union remains concerned over the situation in the northern part of Kosovo and calls on the authorities of the Federal Republic of Yugoslavia to encourage and contribute to unconditional respect for UNMIK's authority throughout Kosovo. Support for parallel structures in Mitrovica must end, and the city must be reunited under the full authority of UNMIK and the elected representatives of the population. The benchmark policy that is now being applied in Kosovo should also be fully applied to Mitrovica. Progress needs to be made now, with the full commitment of all parties involved, so that the October municipal elections can bring about the necessary administrative normalization.

We support all efforts by UNMIK in this respect, including the joint patrolling with the Kosovo Force (KFOR) recently initiated in the northern part of Mitrovica, as well as the establishment of working groups to provide confidence-building measures.

The European Union has already expressed its full support for the decision of the Special

Representative of the Secretary-General, Mr. Steiner, to declare null and void the 23 May Kosovo Assembly resolution on "the territorial integrity of Kosovo" and has urged the Kosovo provisional institutions to discharge their duties within the remit defined by resolution 1244 (1999) and the Constitutional Framework, and to concentrate their efforts on strengthening the rule of law, on improving the economic situation, including the creation of jobs, and on contributing to a secure environment, thus encouraging the return of refugees and internally displaced persons.

We reaffirm our full support for the border agreement of 23 February 2001 between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, and encourage UNMIK and the Government of the former Yugoslav Republic of Macedonia to rapidly agree to and implement practical solutions to the problems faced by the affected population. We are concerned about the increasing rate of incidents along the border between Kosovo and the former Yugoslav Republic of Macedonia.

Special Representative Steiner has rightly made tackling crime and violence and ensuring freedom of movement priority issues. Violence and crime prevent democracy from taking root and harm prospects for investment and economic growth. We support Mr. Steiner's policy of zero tolerance and commend him for the measures that he is taking and the regulations that he is introducing to enhance UNMIK's capabilities to effectively combat crime, terrorism, extremism and violence. We also welcome the agreement reached with the authorities of the Federal Republic of Yugoslavia and Serbia on police cooperation.

Finally, I would like to comment on the Stabilization and Association Process — a long-term policy approach in support of sustainable and EU-compatible reform aimed at helping the countries of the region to prepare for integration into the European Union. It has become a driving force for political, democratic and economic reform within each of the countries, as well as for strengthening the regional dimension and reinforcing regional cooperation, which go hand in hand with forging a closer relationship with the European Union.

We urge Belgrade and UNMIK, together with the provisional institutions a self-government of Kosovo, to work resolutely, within the framework of Security Council resolution 1244 (1999), the Constitutional Framework and the Common Document, towards the objectives of the Stabilization and Association Process.

The President (*spoke in Arabic*): I now give the floor to Mr. Guéhenno to respond to the comments made and questions raised by members of the Council.

Mr. Guéhenno: I will make just two brief observations at this late hour.

First, I would like to say that I do, indeed, agree with the comments by several members of the Council with regard to the approach taken by Mr. Steiner on benchmarks. If I may, I will not only share those comments with Mr. Steiner, but also inform other missions of that approach, because I believe — as many members of the Council have said — that providing greater transparency and, therefore, more accountability will help to ensure a better relationship between the Council and the Mission, as well as helping other missions, especially those that have a wide-ranging mandate, to be more focused and therefore more effective.

My second observation relates to what the Ambassador of Yugoslavia said. He reminded us that if much has been achieved, a lot remains to be done. In that respect, I would like to say that if we want to be successful in one of the goals of the Mission — such as the issue of returns and reintegration — we will have to continue to address a wide range of issues, from security to a growing and vibrant economy, as well as areas such as housing and property directorates, as mentioned by the Ambassador of Norway. We will have to tackle a very large number of issues, and that will require not only the political support of this Council, but also the financial support and attention of the international community. I am encouraged by the support that the mission finds in the Council.

The President (*spoke in Arabic*): I would like once again to thank Mr. Guéhenno for his briefing and for his responses.

There are no further speakers inscribed on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.40 p.m.

United Nations S/PV.4560

Security Council

Fifty-seventh year

Provisional

4560th meeting

Wednesday, 26 June 2002, 1.40 p.m.

New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Banoum
	China	Mr. Zhang Yishan
	Colombia	Mr. Salazar
	France	Mr. Stickler
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Ms. Réhaut
	Mexico	Ms. Lajous
	Norway	Mr. Larsen
	Russian Federation	Mr. Vasiliev
	Singapore	Mr. Yap
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Ms. Connelly

Agenda

The situation in Afghanistan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-44473 (E)

The meeting was called to order at 1.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President (*spoke in Arabic*): I should like first of all to express my sincere thanks to the Secretariat and, in particular, to the interpreters, for staying the course until this late hour.

I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Bazel (Afghanistan) took a seat at the Council table.

The President (spoke in Arabic): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/703, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2002/703) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1419 (2002).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

I would like to thank Sir Kieran Prendergast for his presence among us as we adopted the draft resolution.

The meeting rose at 1.45 p.m.

United Nations S/PV.4561

Security Council

Fifty-seventh year

Provisional

4561st meeting

Thursday, 27 June 2002, 10.30 a.m.
New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Mr. Koonjul
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Negroponte

Agenda

Threats to international peace and security caused by terrorist acts.

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02-44542 (E)

The meeting was called to order at 10.40 a.m.

Adoption of the agenda

The agenda was adopted.

Threats to international peace and security caused by terrorist acts

The President (spoke in Arabic): I should like to inform the Council that I have received letters from the representatives of Brunei Darussalam, Costa Rica and Spain in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Serbini (Brunei Darussalam), Mr. Niehaus (Costa Rica) and Mr. Arias (Spain) took the seats reserved for them at the side of the Council Chamber.

The President (spoke in Arabic): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Sir Jeremy Greenstock, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

It is so decided.

I invite Sir Jeremy Greenstock to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. At this meeting, the Security Council will hear a briefing by Sir Jeremy Greenstock, Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.

Sir Jeremy Greenstock: The Counter-Terrorism Committee (CTC) has been in operation for nine months now. Over that period, it has focused on reviewing the reports submitted by States on their implementation of resolution 1373 (2001). So far, the CTC has received 160 reports from United Nations Members and from four others. It has completed its review of 127 of these and is working hard to finish reviewing the remainder of the reports received.

The Committee is also following up with the 29 States that have not yet submitted a report. My letter to the Council on this, which was circulated as document S/2002/673, explained the way in which the CTC planned to do this. Let me reiterate: the CTC and its experts are ready to discuss the submission of a report at any time with States that are having difficulty. I encourage them to make contact with the CTC.

This achievement has been made by a team which has become increasingly experienced by the day. I should like to thank warmly the Vice-Chairmen — Ambassadors Koonjul, Lavrov and Valdivieso — for their professional leadership of the subcommittees; and the whole membership of the CTC for their consistent hard work and cooperation. I should like to thank our team of experts, including those who have already completed their tours, for getting to grips with the substance so effectively. I should also like to thank the CTC's secretariat for the support they have given the CTC and its subcommittees.

The CTC's work programme for the fourth 90-day period was issued as a recent document of the Security Council. The CTC will focus in the coming period on reviewing for a second time the implementation of 1373 (2001) in the States that have submitted a further report to the Committee. The States concerned can expect a slightly different letter from the CTC the second time around. We intend to set out more clearly the gaps identified by our experts together with recommendations about the action needed to improve implementation of 1373 (2001). We will be looking to many States to submit a third report to the Committee setting out their response to these recommendations and including a timetable for action.

We expect our experts to indicate, where appropriate, how a State might benefit from technical or other assistance. If so, the letter from the CTC will indicate what assistance is a priority — and what might be required in slower time — taking account of any request for assistance presented by the State concerned. The letters may make recommendations on which providers could be contacted by the State concerned for help.

The CTC also intends to be in close contact with potential providers of assistance. Our team of experts will act as a source of encouragement for the provision of assistance in the areas covered by 1373 (2001). We have asked them to inform providers about any trends in the implementation gaps as this information emerges through the review process, with a view to encouraging providers to develop new programmes to meet these needs. They will approach potential providers, with the agreement of the State concerned, to encourage them to react to the particular needs identified by the CTC.

Let me reiterate the Committee's agreed approach: the CTC does not intend to declare any Member State 100 per cent compliant with 1373 (2001). We believe that there may always be further work to do to meet the objectives of the resolution against a constantly evolving background. We intend to move ahead more intensively with some than with others, but we will want all States to remain in close contact with the Committee and to inform it of any new developments that are relevant to the implementation of resolution 1373 (2001).

In all of that, the CTC will proceed with the transparency and openness that are by now, I hope, a hallmark of our work. I will continue to brief the wider membership of the United Nations on a regular basis on the activities of the Committee. I, the Vice-Chairmen and the experts are available to address the concerns and questions of individual Member States or of regional groups.

The CTC's outreach to international and regional organizations has intensified since my last briefing to the Council. I myself have visited the United Nations Office in Vienna, the Organization for Security and Cooperation in Europe, the European Union and the North Atlantic Treaty Organization to discuss matters covered by resolution 1373 (2001). The Bureau met representatives of the Group of Eight in New York earlier this month. The Committee's experts have begun an intensive travel programme — visiting, for instance, Abu Dhabi, for a conference on hawala; Prague, for an OSCE seminar on terrorist financing; Washington, for contacts with the International Monetary Fund and the World Bank; Paris, for a meeting with the Financial Action Task Force on Money Laundering; and other venues. Today one of our experts is in Sofia for a regional meeting of the countries of South-Eastern Europe.

Our message to those regional players is four-fold. They must be determined in dealing with terrorism, and must develop permanent mechanisms for doing so in accordance with their respective mandates. They should use those forums to get together to talk about counter-terrorism on a regional level, because no State is secure from this threat if its neighbour is a backmarker. Many regional organizations are well placed to facilitate the sharing of expertise and best practices within a region, where a common culture and history often makes the transfer of expertise easiest. I would also hope that these organizations will develop their own assistance programmes.

Let me try to set out what the CTC has achieved in its first nine months. Our most important success to date is to have directed very widespread attention to the fact that resolution 1373 (2001) both exists and is a powerful resolution. A broad range of international institutions and regional and subregional organizations are now aware that there is a global structure for countering terrorism, into which they would be well advised to fit their activities. We have also contributed by bringing out the connections between terrorism and other forms of international organized crime. The CTC is not a law-enforcement agency, nor is it working on cases. So, in that sense, we do not have any operational achievements in that sense to report. But we have a strong interest in capacity-building. The fact that the vast majority of Member States are now engaged with us in that exercise and that all States recognize their responsibility to follow up resolution 1373 (2001) is a massive change from the situation that existed when the Committee was formed.

There is a further indicator that demonstrates the activity of the international community in this area, and that is the ratifications of the 12 international conventions and protocols relating to terrorism. Ratifications have gone up by more than 15 per cent since last July. There are now 14 countries which have ratified all 12 conventions, when on 11 September there were only two, Botswana and my own. The CTC urges all States to continue to bring forward ratification of these instruments. It is a requirement of resolution 1373 (2001), but it also is an indication that States are beginning to build up the network of legislation they need to be able to take effective action.

Let me end with an update of where we are with practical support from the Secretariat. I am most grateful to the Fifth Committee for allowing the

Secretariat flexibility in meeting the demands placed by the Committee. I hope this will soon translate into an immediate improvement in the speed of the translation of documents and the servicing of meetings. The United Nations membership as a whole has confirmed time and again the priority it places on action against terrorism and the implementation of resolution 1373 (2001). I urge the Secretariat to reflect that priority in the allocation of resources.

My next report to the Council will mark the year-point since the adoption of resolution 1373 (2001) and the establishment of the CTC. The Vice-Chairmen, other Committee members and I are determined to ensure that the Committee's story at its first birthday is one of the United Nations translating international determination to deal with a global threat into effective action encompassing all our Governments. The Security Council should at that point have a well-prepared debate about our objectives in this field in the Committee's second year.

The President (*spoke in Arabic*): I thank Sir Jeremy Greenstock for his comprehensive briefing.

Mr. Mahbubani (Singapore): This morning my staff had a meeting to discuss what I should say at this morning's session. The instructions they gave to me were that I should give a very short speech based on three Cs. The three Cs are commend, commitment and criteria. But after having a discussion with Ambassador Greenstock on the way in, I thought I would add a question or two after the three Cs.

First, with regard to commending, I think there is no doubt that we have a lot for which to commend the Counter-Terrorism Committee (CTC) and, of course, its Chairman, Sir Jeremy Greenstock. My only concern is that Sir Jeremy might receive so much praise today that he will not know how to handle it in the course of day-to-day events. But, most important, he has shown that United Nations committees — which are often perceived, as we know, to be toothless entities — can actually make a difference. There is no doubt that the CTC has made a significant difference since it was set up. But we also want to commend the rest of the team, including the three Vice-Chairmen — Ambassadors Koonjul, Lavrov and Valdivieso. I know that the three of them have also had to chair very long meetings and go through piles of reports. At the same time, I wish to commend all the experts and the other staff who have been involved in this exercise. So there is a lot of commendation to be provided.

The second C is commitment. In that regard, we want to declare once again that Singapore is fully committed to the fight against terrorism. As members are aware, we came close to experiencing a terrorist attack ourselves some time ago; so we are committed to doing whatever we can. Also in this regard, I would like to add that we are also committed to sharing our expertise with others, including our colleagues in the Association of South-East Asian Nations (ASEAN). For example, to enhance the capabilities of ASEAN member States in the fight against terrorism, Singapore has offered logistical support for training in various aspects of anti-terrorism skills that will strengthen the national mechanisms of ASEAN member States to combat terrorism.

I believe that my colleague from ASEAN will be speaking later today — and of course Singapore associates itself fully with the statement to be made on behalf of ASEAN members. By the way, I should also mention here that we are looking at other ways and means of sharing our expertise, not just with the ASEAN region but also with the rest of the Asia-Pacific region as well.

Finally, with regard to the third C, which is criteria, I want to refer to a sentence in Sir Jeremy Greenstock's presentation to us. He said that the CTC did not intend to declare any Member State 100 per cent compliant with resolution 1373 (2001). We completely agree that that is the right approach to take. But I think that Member States will be asking themselves the question of how to assess themselves with regard to whether or not they have fulfilled the requirements of resolution 1373 (2001) and all the demands made of them by the CTC. I therefore wonder whether, in the course of the next three months, the CTC can try to work out some kind of criteria. It may be difficult to create formal criteria, but some kind of informal criteria might be desirable, so that Member States can measure themselves against some sort of benchmarks provided to them by the CTC in trying to do some kind of self-assessment of their performance. I am not sure whether that is doable, but I hope Sir Jeremy Greenstock will reflect on it with his colleagues.

Finally, I have a question or two. I turn to a sentence in Sir Jeremy's presentation, where he said:

"The CTC is not a law-enforcement agency, nor is it working on cases." (*Supra*)

Sometimes, we compare the Security Council to a fire department that is sent to put out fires whenever conflicts break out. What is the best layman's analogy we could find to describe the nature of the work of the CTC so everyone understands the nature of the beast we are dealing with when we deal with the CTC? I wonder whether Sir Jeremy has any suggestions in that direction.

Finally, I am glad Sir Jeremy mentioned there will be a full debate and discussion in three months' time. It will be very important for the one-year review of the accomplishments of the CTC to have a more extensive debate, with wider participation of all Member States. Clearly, if this fight against terrorism is going to succeed it needs the commitment of 189 — or by then 191 — Member States. It is important that they participate in that review. But what would the CTC like them to bring to the table when they come for the discussion? If Sir Jeremy has any thoughts on how Member States can prepare themselves for that very important review, it would be helpful if he wants to plant the seeds now. Certainly it would help my delegation and I hope other delegations as well.

Mr. Diallo (Guinea) (*spoke in French*): Nine months have passed since the establishment of the Counter-Terrorism Committee (CTC). During that period the CTC has made much praiseworthy effort towards the implementation of the recommendations of resolution 1373 (2001). The Council meetings of 18 January 2002 and 15 April 2002 enabled us to see the determination of Member States to act decisively to combat terrorism. The submission of 164 reports to date — the majority of which have already been considered by the Committee, as Ambassador Greenstock mentioned — eloquently illustrates that determination. The experience acquired by the Committee through consideration of these reports is promising for the coordination of future activities.

There is no doubt that the Committee, through its work, has in many respects highlighted the connection between terrorism and other forms of organized crime and the existence of a world structure to combat it. We are grateful to the Committee, its Chairman and its support staff for the important milestones they have reached.

The tragic events of 11 September 2001 shed new light on the dangers posed by terrorism because of its many ramifications. We welcome the appointment of two experts on the provision of assistance to States, and we encourage them in the accomplishment of their mission. My delegation views coordination of assistance as a priority, beginning with identifying the type of assistance available with a view to better coordinating it with the needs expressed. In that regard, the contacts already established with potential providers of assistance are encouraging. Strengthening cooperation between the Committee and other international community actors including regional organizations is necessary and greatly benefits Member States. We encourage the ongoing work on the composition of the panel of experts, and we reiterate the need for representation of all regions within the panel. My delegation would also like to emphasize the importance the Committee should attach to consideration of the second reports. We are convinced the outcome will enable Member States to adopt, as appropriate, additional measures to strengthen our common fight against terrorism.

In conclusion, my delegation would like to express its support for the new work programme of the Committee, submitted for our consideration.

Mr. Negroponte (United States of America): Nine months after the establishment of the Counter-Terrorism Committee (CTC), the United States would again like to thank Sir Jeremy Greenstock for his continued vigorous and committed leadership of the CTC. We would also like to thank the Vice-Chairmen for their contribution as well as the Mission of the United Kingdom, which has a dedicated team of professionals who are supporting the Committee's work.

From the beginning, Sir Jeremy has insisted on serious and energetic implementation of resolution 1373 (2001) and on monitoring by the Counter-Terrorism Committee. We believe he has been imaginative and effective both in building and maintaining consensus within the Committee and in informing Member States of the work and the progress of the CTC. As a result of the efforts of CTC members, experts and the Secretariat, the CTC has largely completed its successful review of the initial reports and is now embarked on the second round of reviews.

With the second stage of the CTC's work now under way, we reiterate the importance of all States abiding by their obligations under resolution 1373 (2001), including submission of timely, responsive and complete reports. Only in that way can we have a benchmark of the world's counter-terrorism capacity. The review of the second round of reports will, to a large extent, determine the level of impact the CTC will have in the fight against terrorism and whether it will be anything more than an ongoing world audit of the capacity of Member States to combat terrorism. The Committee must be prepared to be professionally critical and tough-minded but also constructive. Above all, it needs to focus attention on those States which lack the capacity and/or the will to implement resolution 1373 (2001). To that end, in its second set of responses to Member States the Committee should identify the gaps in implementation, what each State needs to do to bring itself into compliance with resolution 1373 (2001) and what should be each State's priorities. Where a particular State needs technical or other assistance with the implementation of resolution 1373 (2001) we believe the CTC should undertake efforts to ensure that such State receives the assistance it needs. We are pleased to see that the CTC informally agreed to such procedures earlier this month. Regardless of how successful the CTC is in identifying the States that lack capacity to implement resolution 1373 (2001), its ultimate success will in large part be determined by whether those States and organizations that have the resources to help are willing to do so.

To that end, we urge Member States with the capacity to do so to provide assistance to countries that seek help in full implementation of 1373 (2001). A substantial number of countries capable of providing assistance such as training have yet to list themselves in the CTC directory of assistance providers. Perhaps some of the countries with expertise do not usually think of themselves as potential assistance providers. I have in mind sophisticated financial centres in particular. It would be desirable for such States to consider carefully their capacity to provide assistance such as technical training.

We are pleased to see that the CTC now has two experts to coordinate its efforts to mobilize States and organizations, to provide assistance and to match those willing to help with those in need. We also agree with the importance that Ambassador Greenstock continues to place on the role regional, subregional and functional organizations can play in the fight against terrorism. Those organizations are well placed to undertake collective efforts to implement resolution 1373 (2001). They can also assist — and some have already begun assisting — the CTC in monitoring the efforts taken by countries in their respective regions to implement the resolution. Thus, we welcome the Committee's intention to encourage these organizations to develop action plans to implement resolution 1373 (2001) and to facilitate the sharing of principles, best practices and expertise within their regions and their areas of competence.

It is important to remember that resolution 1373 (2001) and the Committee established to monitor it have no time limits. They will continue until the Security Council is satisfied with the implementation of the resolution. The high level of energy and determination that those involved with the Committee have shown to date will need to be maintained.

Before closing, I am pleased to report that yesterday the United States deposited with the United Nations the instruments of ratification of the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. In so doing, the United States expressed its consent to be bound by those two treaties, the last remaining United Nations anti-terrorism conventions to which it had not yet become a party.

One of the tangible results of the adoption of resolution 1373 (2001) and the work of the Committee has been an increase in momentum among Member States towards ratification of all 12 United Nations anti-terrorism conventions. We hope that this momentum will continue, and we urge all States that have yet to do so to take the steps necessary to ratify those instruments.

Mr. Kolby (Norway): I too would like to thank Sir Jeremy Greenstock for his excellent work as Chairman of the Counter-Terrorism Committee (CTC). Norway commends him and the three Vice-Chairmen for their dedicated efforts to implement the tasks assigned to the Committee. We fully share the aims and objectives outlined by him for the Committee's next 90-day working period.

Many States are in the process of finalizing their second reports to the CTC. Norway has recently adopted a legislative package designed to combat

terrorist acts and the financing of terrorism. Those measures provide the basis for our second report to the CTC. At the same time, the work of the CTC and its experts, as well as that of other international bodies, has to a large extent inspired the legislative process in our country.

We remain focused on the need to assist States in their efforts to implement resolution 1373 (2001). This is a priority for the Committee. Norway and the Organization of African Unity (OAU) recently agreed on a cooperation programme to support the implementation of resolution 1373 (2001) by OAU member States. This year Norway will make available approximately $210,000 for the project. Norway is also funding a project to support and strengthen cooperation between the countries in the Southern African Development Community in the fight against terrorism in the southern African region.

Norwegian efforts to combat terrorism will continue to be broad based, including political, legal, diplomatic and economic measures. We also consider a strong commitment to development cooperation to be a relevant contribution to combating terrorism by improving socially unjustifiable conditions.

Ms. Lajous (Mexico) (*spoke in Spanish*): My delegation wishes to align itself with the statement that will be made by the representative of Costa Rica on behalf of the Rio Group. I wish also to refer to some matters of particular interest to my country related to the fight against terrorism, and particularly regarding the role of the Committee established by Security Council resolution 1373 (2001).

The creation of the Counter-Terrorism Committee (CTC) has given vigorous and unprecedented impetus to the efforts of the international community and the United Nations in combating terrorism. Although it is too early to reach conclusions based on preliminary results, we can say today that the Committee has breathed life and dynamism into its mandate, in accordance with resolution 1373 (2001). As has been stated on other occasions, there is no doubt that one of its specific contributions is that it has encouraged States to conduct an in-depth analysis of their legal and institutional pillars in order to effectively combat terrorism.

Another positive element stemming from the submission of national reports has been the broad dissemination of resolution 1373 (2001) within States through inter-institutional cooperation in the drafting of every report.

Recognition for these achievements must be directed also to the creativity of the Committee Chairman, Ambassador Jeremy Greenstock, and to the staff members who assist him in the United Kingdom Mission. Mexico also expresses its gratitude to the Vice-Chairmen of the Committee for efficient presiding over the subcommittees. We also congratulate the experts on their effective work in their respective areas. The Secretariat too has contributed to the functioning of the Committee.

During the debate last April, my delegation stated that five premises should guide the Committee and the United Nations in its work in combating terrorism. Now that we are on the eve of the second phase, we reaffirm that these premises remain valid.

My country believes it is essential for the Committee to work through transparency and cooperation. We insist that one central element in combating terrorism is respect for human rights, as well as observance of international law, the Charter of the United Nations in particular.

Perhaps the greatest challenge now facing the Committee is technical and financial assistance for full implementation of resolution 1373 (2001). It is becoming increasingly clear that greater cooperation between countries is required in order to combat terrorism effectively. The dimension of this challenge has a number of aspects that need to be considered. One of them is the close relationship of assistance with compliance with paragraph 6 of resolution 1373 (2001). The Committee has succeeded in getting the great majority of Member States to comply by submitting reports. As for the States that have not yet done so, the Committee could cooperate with them through a dialogue aimed at support, which the Committee experts themselves could provide, in order to find the most viable means for each country that has not yet done so to comply with resolution 1373 (2001). We would like to thank the Government of Norway for the support and cooperation it is providing to various regional organizations in Africa to ensure full compliance with the resolution.

Another aspect of particular importance to Mexico is the dialogue established between the Committee and the various regional and subregional organizations. We believe it is necessary and

appropriate to strengthen cooperation between the Counter-Terrorism Committee and regional organizations on the basis of dialogue, exchange of information and respect for their respective spheres of competence in order to broaden the possibilities for support required by States to implement resolution 1373 (2001).

To the extent allowed by their mandates, regional organizations have been developing an array of activities in order to strengthen the fight against international terrorism. The activities carried out by the Organization of American States (OAS) have been particularly fruitful.

One of the major achievements in our hemisphere has been the conclusion, under the presidency of Mexico, of the Inter-American Convention against Terrorism. This instrument, which complements the international legal framework in combating this scourge, was adopted and opened for signature in Barbados at the thirty-second General Assembly of the OAS on 3 June. I am pleased to report that 30 of the 34 member States of the organization, Mexico included, have signed this new instrument. Not only does the Inter-American Convention against Terrorism strengthen hemisphere-wide cooperation; it also supports international efforts in this sphere.

In this new phase of its work, the Committee must continue to comply with its mandate to promote international cooperation to combat international terrorism. Furthermore, we feel that the Committee should assist in identifying additional measures that should be adopted by the international community to combat terrorism, without losing sight of the fact that any measure adopted to combat terrorism should, in addition to criminal focus, have a preventive dimension. The new instruments to be adopted should put greater emphasis on prevention and also be aimed at strengthening the capacity of States to implement the necessary measures.

Mr. Levitte (France) (*spoke in French*): France associates itself with the statement that will later be made by the Ambassador of Spain on behalf of the 15 member States of the European Union. But I would like to say a few words in my national capacity.

Last 11 September, we experienced one of the moments that define the development of the world for many years and perhaps decades to come. The question that arose was whether the Security Council would meet the challenge posed to the entire international community. Our meeting today shows once again, I believe, that, yes, the Security Council has been able to cope with its new responsibilities, and it has been able to do so in an exemplary manner.

This is first and foremost the result of the work of one person, Ambassador Jeremy Greenstock, to whom I would like to pay a special and well-deserved tribute. I would also like to include in that tribute a woman, Anna Clunes, who is part of the delegation of the United Kingdom and who has carried out tremendous work. Beyond that, it is in fact the entire Council, first of all through the Vice-Chairmen, that should show the result achieved in a few months time. This result is first a method, I believe, a determination to have total transparency with regard not just to the Member States but also, above and beyond that, all those who have come as partners, especially regional organizations, and therefore an ability to act as a team, not just within the Council and the permanent missions in New York but also with the networks of international organizations.

Sir Jeremy has reminded us of the results. One hundred sixty reports have been received and considered. This shows not just the success but also the importance that all States members of the community of nations attach to the work done by the Counter-Terrorism Committee (CTC).

Regional and technical organizations are henceforth not just informed but also mobilized, along with the CTC, which seems to be a veritable umbrella that covers all these organizations and thereby ensures a necessary consistency in the work of the entire community of nations.

We shall soon be going on to the second, more targeted phase of the work, which, on the basis of a dialogue with each country, will enable us first of all to identify the areas in which each country should improve its legislation and the administrations involved. Secondly — and above all, I would say — this phase will enable us to identify the work of technical cooperation that not the Security Council but the organizations identified by the Council and Member States will make available to States that need such technical assistance.

This second phase is crucial. It will be more targeted and concrete. Indeed, it will enable the world, following an unprecedented auditing of the state of the

world in combating terrorism, to work to improve the situation, State by State, and the steps to be taken by all.

France has already indicated the areas in which it was prepared to provide such technical assistance. Beyond that, the French-speaking world, which will hold a summit meeting in October in Beirut, is mobilizing the means at its disposal for States that are part of a culture that goes beyond a single language and a common legal culture.

Once again, I would like to pay tribute to Sir Jeremy and his entire team. Let us continue to work in the good spirit that he himself has inspired in us.

Mr. Tidjani (Cameroon) (*spoke in French*): The representative of Singapore has warned us: Sir Jeremy Greenstock will bend today under the weight of the congratulations extended to him. Allow me at the outset to express our admiration to Sir Jeremy for the tactful and effective way in which he has conducted the work of the Counter-Terrorism Committee (CTC) created by resolution 1373 (2001) over the past nine months. His very detailed, updated and enriching information on the Committee's activity over the past 90 days show, without a doubt, the commitment and determination of the Committee to strengthen the capacity of States to combat terrorism.

In fact, the global nature of terrorism and its clear ties with trans-border crime necessarily require a concerted response on the part of the international community. We believe this is essential. In order to effectively combat this phenomenon, all States without exception must adopt specific measures and must cooperate frankly and constructively to meet this challenge, which is the very denial of the right to life. Today, beyond condemning terrorism, action is needed — individual and collective action by States against terrorism.

Beyond the indignation and reprobation expressed at the highest Government level in the wake of the sad events of 11 September 2001, Cameroon, whose legal framework already had a counter-terrorism strategy and provisions to prevent and punish terrorist acts, immediately, at all levels of Government, set about drafting specific legislation integrating the effective implementation of resolution 1373 (2001). On this point, I welcome the cooperation we received within the Committee, as well as the prospects of assistance, the form of which has become ever clearer. Here, we welcome Norway's commitment to the Organization of African Unity (OAU) in this regard.

We urge all States, as well as international, regional and subregional organizations whose activities could be related to counter-terrorism to cooperate fully with the resolution 1373 (2001) Committee to enable the Committee better to carry out its immense task, the scope and importance of which are growing every day. In fact, in its nine months of existence, the Committee has already considered 127 of the 160 national reports that States have submitted to it, an average of 14 reports per month. That is considerable work, and an unprecedented event in the history of our Organization.

In our view, particular attention should be given to the content of the letters addressed to States following consideration of their national reports because of the importance of the supplementary questions in those letters, which should enable the States concerned more precisely and effectively to target areas where additional legislative, regulatory or administrative efforts need to be made to prevent and suppress terrorism.

It is from this vantage point that we would call upon the 29 States that have not yet submitted their reports in accordance with paragraph 6 of resolution 1373 (2001), to take measures to rapidly overcome the difficulties they are facing and cooperate with the Committee. Only then will we be able perhaps to celebrate the first anniversary of the Counter-Terrorism Committee with the adoption of a common platform of recommendations on the prevention and suppression of this scourge that continues to haunt us.

We are convinced that the dialogue envisaged by the Committee with the 29 States is correct, because it will preserve the transparency and cooperation that have always guided its work. This should be acknowledged and encouraged, and we invite Member States to respond favourably to the appeal made to them.

We also appreciate the dialogue that has been set up between the Committee and regional and subregional organizations, as well as international organizations such as the World Bank, the International Monetary Fund, the International Civil Aviation Organization, the International Maritime Organization, the International Criminal Police Organization and many others. This initiative too must be pursued,

because it will enable us further to define and reduce the scope of activities related to terrorism.

Cameroon fully endorses the Committee's new work programme for the fourth quarter, from 26 June to 23 September 2002, as well as the present structure of the Committee and its working methods, as outlined by Sir Jeremy Greenstock. The Committee should take advantage of the next three-month period to begin an active phase of progressive assessment, involving the formulation of specific recommendations based on the information provided by each State. It is clear that, at this stage of its work, the Committee may still need additional information from some States. This defining stage requires more transparency and specificity on the part of the Committee.

We feel that the regular briefings provided by the Chairman of the Committee are an ideal way to reassure the Member States about working methods, but I am already convinced that there will be broad and useful participation of Member States in the next three months, reflecting the considerable impact made by the Counter-Terrorism Committee.

Moreover, we are pleased to note that the question of assistance continues to be of primary concern to the Committee. Undeniably, States are eagerly awaiting a complete and more understandable format for the provision of assistance. We feel that the Committee could speed up the gradual implementation of the directory of assistance in order to provide many States with sufficient information on the nature of the assistance proposed by bilateral and multilateral donors, and in particular on how to gain access to that assistance.

We feel it is important for each subcommittee, when meeting with delegations to consider their national reports, to systematically provide detailed and updated information about assistance.

Finally, my delegation would like to congratulate the Secretariat, the experts and the subcommittees, as well as the colleagues of Sir Jeremy Greenstock, for the quality of their assistance to the Counter-Terrorism Committee.

All these efforts would be in vain if together we did not clearly express our unshakable determination to cooperate in implementing resolution 1373 (2001). Only international, regional and subregional cooperation will enable us effectively to combat this scourge. Regional and subregional organizations must become the true agents in the fight against terrorism. The Counter-Terrorism Committee must be able to count on them anytime, anywhere.

Mr. Wang Yingfan (China) (*spoke in Chinese*): The Chinese delegation wishes to thank Ambassador Greenstock for his briefing on the work of the Counter-Terrorism Committee (CTC). Since its establishment, the CTC has accomplished a great deal of effective work. Its fair, open and transparent working methods have won acclaim by the vast majority of Member States. Coordination and cooperation among the subcommittees are proceeding smoothly. We believe that the Committee's review of the first phase of its work has been fruitful. My delegation agrees with Ambassador Greenstock's summary and assessment of the Committee's work to date. We also appreciate the efforts and the great amount of work done by the experts and the Secretariat. Like other members, China endorses the Committee's work programme for the fourth 90-day period and the procedure for the second-phase review.

Ambassador Greenstock pointed out in his report that the Committee has a strong interest in capacity-building. My delegation has also noted that, in the second-phase review, the Committee will focus on the question of providing the assistance needed by Member States to implement resolution 1373 (2001). We appeal to potential providers of assistance to respond actively to the Committee's call and to provide timely and effective assistance to countries in need.

We endorse the Committee's pragmatic working methods, intended to step up the pace of work in the interest of soon completing the review of national reports.

The fight against terrorism is a new task for the Security Council as it discharges its responsibility for the maintenance of international peace and security. In order to enable the United Nations to play its core role in the international fight against terrorism, the Security Council must focus on the real problems involved and take measures to facilitate their resolution, stepping up international counter-terrorism cooperation so as to make such efforts more effective.

The work of the CTC to date has laid a good foundation for the counter-terrorism efforts of Member States and for international cooperation to that end. We should note, however, that capacity-building for

combating terrorism is a long-term process — one that is inseparable from the international fight against terrorism. The Security Council should focus on how the counter-terrorism efforts of the United Nations can be integrated into the international fight against terrorism.

Mr. Corr (Ireland): I would like, first of all, to thank you, Mr. President, for arranging today's open meeting of the Council on the work of the Counter-Terrorism Committee (CTC). Ireland fully associates itself with the statement to be delivered later in the debate by Spain on behalf of the European Union.

Resolution 1373 (2001) set in motion the construction of global scaffolding against international terrorism. Clear and defined tasks are required of all States through resolution 1373 (2001) — tasks relating to legislative and executive actions against international terrorism. The provisions of resolution 1373 (2001) involve the establishment and maintenance of a global consensus of action. Those who perpetrate acts of international terrorism are the enemies of all States, and they must be the friends of none.

It is now realistic to assess what has been achieved. At one important level, there has been a dramatic and welcome increase in the number of States that have ratified some or all of the 12 international conventions and protocols against terrorism. At another level, throughout the world legislative measures are being put in place in response to resolution 1373 (2001), and executive decisions are being taken. In summary, a strong architectural framework in the fight by the international community against international terrorism is now clearly visible.

I want to pay special tribute to the Chairman of the CTC, Ambassador Greenstock, and his colleagues in New York and London, for the leadership and support given to the Committee since its establishment. We appreciate this work, which has been well done. My delegation also appreciates the work of the three Vice-Chairmen — Ambassador Koonjul, Ambassador Lavrov and Ambassador Valdivieso — and thanks the experts and the Secretariat for their commitment and dedication in the complex and difficult work of the CTC.

At this stage in our debate, I would like to make a few general points of importance to my delegation. First, the CTC must continue to avoid at all costs — as it has done to date — any simplistic formula, such as "You have succeeded; you have not succeeded", in its approach to States. Many of the detailed requirements — on banking or finance, for example — are extremely complex. Many States — often because their economies are not fully or even partially integrated into the global economy — never had any need until now to put in place technical legislation in respect of financial flows or regulatory frameworks. All of this will take time and effort. What is noteworthy today is how much has already been achieved. That said, it is important that all States reply to the CTC as required under resolution 1373 (2001).

Secondly, the CTC must continue to be vigilant in the extreme in not going beyond the letter or the spirit of what is required by resolution 1373 (2001). The CTC, and the wider United Nations, must complement the work of other institutions, which have their own specific mandates or roles in the struggle against terrorism. They must not duplicate this work or replace it. The role of the United Nations is to provide global legitimacy, to build a global consensus, to act as the defender and promoter of multilateralism and internationalism against those who are enemies of the international good.

In so doing, we must continue to be guided by the need to avoid any actions that could undermine this sense of international legitimacy in the struggle against international terrorism, just as we must also progress in our work of protecting that sense of international legitimacy. As we advance in the implementation of resolution 1373 (2001), it may well be necessary at some stage for the Security Council to strengthen and protect this sense of legitimacy by a renewed mandate in the light of our experiences to date.

Thirdly, Ireland attaches great importance to generous assistance by the international community in supporting the efforts of developing countries to implement resolution 1373 (2001). That is what we agreed to do in resolution 1377 (2001). Ireland welcomes the work of the CTC to date in this area. We hope the concept of a trust fund will also be kept under review. We understand the problems but hope that they can be solved.

Ireland, for its part, is in the process of compiling a list of experts who could be included in the CTC's directory of advice and expertise in the areas of legislative and administrative practices, as set out in

the relevant provisions of resolution 1373 (2001). We are also ready to support capacity-building in relation to the specified areas through existing bilateral aid programmes at country level and the provision of fellowships for participation in relevant courses or seminars in Ireland.

Ireland will continue to work with our developing country partners to come up with a list of areas in which relevant assistance can be provided, either within the framework of existing programmes or by means of additional mechanisms.

Fourthly, and most important, the fight against international terrorism can never be at the expense of human rights. This is not a point of narrow emphasis: if we in the international community go down that road — and it is a slippery road — then we are lost, as are the core values that the United Nations stands for. The United Nations High Commissioner for Human Rights, Mary Robinson, in a speech to the Commonwealth Institute in London on 6 June, spoke of

> "a subtle change in emphasis in many parts of the world; order and security have become the overriding priorities. In the past, the world has learned that emphasis on national order and security often involved curtailment of democracy and human rights. As a result, a shadow has been cast".

We need to heed those words of wisdom and warning.

Finally, Ireland fully shares the view that regional organizations have a critical role to play in the implementation of resolution 1373 (2001), and we warmly welcome progress in that area to date.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): I would like first of all to associate myself with the words of appreciation that have been expressed to the Chairman of the Counter-Terrorism Committee (CTC), Ambassador Greenstock, and to thank him both for the comprehensive account of what has been done by the Committee that he has headed for the past nine months, and for the efforts that he personally has been making in order to guarantee such results.

Thanks to the energetic work being carried out openly by the CTC under the auspices of the United Nations, an unprecedented global system to combat terrorism is being created. We very much appreciate the fact that in carrying out its work, the Committee has knitted together all areas of its activity into one organic whole. First of all, it has undertaken a comprehensive analysis of the reports submitted to it on the counter-terrorism measures of various countries, and secondly, it is seeking concrete ways and means to provide advice and technical assistance to those States that need such assistance in order to comply with their obligations under resolution 1373 (2001).

We welcome the Committee's intention to focus in particular on cooperation with regional and subregional organizations in the fight against terrorism. We believe that cooperation between the CTC and the Commonwealth of Independent States anti-terrorism centre and the regional anti-terrorist structure of the Shanghai Cooperation Organization would prove very fruitful.

We support the programme of work of the CTC for the fourth 90-day period. The Committee, in essence, is entering into a new phase of its work, in which its major task will be to study the additional reports submitted by States in response to requests by the Committee.

Of course, it is important at this stage to define and clarify the ways and means and methods that will guide the Committee in making recommendations, in order to eliminate any gaps or flaws. We are convinced that the success of this work is guaranteed, given the dedication of the Council and the Committee as well as the overall clear understanding that the CTC will not function as a punitive body or overstep the bounds of its mandate. This is especially important with respect to the involvement in the work of the CTC of those States that, for one reason or another, have not yet submitted reports to it pursuant to resolution 1373 (2001).

In his letter of 13 June addressed to you, Mr. President, the Chairman of the CTC concretely and clearly described the situation and the prospects for the work of the Committee on this question. The work of the Committee promotes the establishment of a solid basis for the comprehensive implementation of the provisions of resolution 1373 (2001). We believe that we in the CTC are providing a clear confirmation of the effective discharge by the Security Council of its major functions as the body that is responsible, under the Charter of the United Nations, for the maintenance of international peace and security. Russia in future will take an active part in the work of the Committee.

In conclusion, I should like to thank the delegations that have warmly commended the work of the Bureau of the CTC.

Mr. Valdivieso (Colombia) (*spoke in Spanish*): Let me also begin by expressing my gratitude for the considerable efforts and great dedication of Ambassador Greenstock as Chairman of the Committee. We would like also to thank him for his briefing. I wish also to say that we endorse the statement that will be made by Ambassador Niehaus of Costa Rica on behalf of the Rio Group.

Colombia recognizes the progress that has been achieved during this first phase of the work of the Counter-Terrorism Committee (CTC) and supports the programme of work established for the second phase. My country reiterates the CTC's appeal to all States Members of the Organization to review together and to implement effective and appropriate mechanisms in order to stop those who today are instilling fear in humankind through terrorist acts and threats from achieving their goals.

In this respect, I wish to highlight, as Mexico has done, the very recent adoption in the American continent of the Inter-American Convention against Terrorism, which is an effective instrument in the combat against this scourge. This is a welcome sign of the importance and the effectiveness of efforts carried out in a spirit of solidarity by a regional group acting jointly.

It is essential for the CTC to continue to strengthen its relations of cooperation and assistance with international, regional and subregional organizations, as they represent a fundamental instrument in combating terrorism.

In the area of technical and financial assistance, I should like to highlight the importance of the establishment by the CTC of an on-line directory for Member States on the resources and expertise available in the areas covered by the resolution.

This directory has been designed to help, during the second phase — in which the Committee will analyse the reports — those Governments that request information and technical assistance as well as other forms of assistance offered by other States and by Committee experts, in the implementation of resolution 1373 (2001).

In the second phase of processing and analyzing State reports, the Committee must focus its activities and programme of work on priority areas such as the identification by its experts and subcommittee members of the shortcomings of some States in the area of counter-terrorism instruments. Thus recommendations should be proposed as to the measures that should be adopted within a particular State, in particular in the legislative and administrative areas, as well as in the field of law enforcement, in order to suppress the financing of terrorism. We deem very useful the suggestion made by the representative of Singapore regarding the criteria for assessing and evaluating such gaps or shortcomings.

My delegation recognizes the importance and the effectiveness of the measures and actions that have been adopted by the majority of Member States in compliance with resolution 1373 (2001), as well as the activities that have been carried out by some regional organizations to combat terrorism.

However, given present-day events, in particular the serious threats that have been publicly made by terrorist individuals and organizations, such as those relating to actions planned by Al-Qaeda, for example, as well as the numerous terrorist acts being carried out throughout the world, we should reflect on what else can be done in the CTC to prevent terrorism from continuing to sow fear, dread and uncertainty throughout the world, causing countless deaths and the destruction of State infrastructures. For that reason, we must continue to seek out innovative and effective solutions to strengthen national capacities in order to strengthen international cooperation in the area of terrorism.

The answers to these questions should therefore constitute the premises that the Committee should consider during the second phase of its work. It should determine whether or not the measures it is taking are sufficient and if it needs to rethink its actions or reformulate the modalities of its work.

A number of agencies in various countries have warned of the possibility of new and worse operations and attacks by terrorist groups. We must promote actions and create mechanisms in order to address these threats in order to prevent them, or, at least, reduce their severity, and, above all, to avert the serious consequences of such attacks.

For that reason, one objective in the international community's efforts to combat terrorism must be to continue to learn sufficiently about the capacities of, and the methods used by, terrorist organizations, so that we can move from our primarily reactive response — pursuing and capturing terrorists after they have achieved their objectives — to a preventive approach, using key indicators to predict terrorist attacks before they happen.

We know that this is not an easy task. The CTC must continue to move forward and cooperate with regional organizations, Member States and other international or private organizations in the quest for adequate and effective solutions.

The next public debate in this Chamber will give us an opportunity to analyse in greater depth the major challenges posed by terrorism, which require greater efforts on the part of the United Nations.

Mr. Koonjul (Mauritius): Let me join other colleagues in heartily congratulating the Chairman of the Counter-Terrorism Committee (CTC), Sir Jeremy Greenstock, for the very good work accomplished by the CTC under his able leadership. His dedication to the work of the Committee, his drive to push forward and to realize to the fullest extent possible the agenda set forth by resolution 1373 (2001), as well as his personal commitment and effort in bringing home to Member States as well as to various regional and subregional organizations the cardinal responsibility of eradicating terrorism — root and branch — have been exemplary. It can be said that the outreach programme that he has undertaken has been one of the most successful United Nations in-house programmes.

The overwhelming response from Member States and their cooperation with the CTC at all levels reflect the serious commitment of each Member State to address the problem of terrorism. Indeed, we have been able to develop a broad, comprehensive and, above all, sustained strategy to combat terrorism.

As a member of the Bureau, I wish to convey my gratitude to all the other members of the CTC, the experts, the staff of the Secretariat and the dedicated staff of the Mission of the United Kingdom responsible for CTC matters. I also wish to thank the representatives of all those countries that responded to the invitation of subcommittee B to discuss the draft letters in the most transparent and even-handed manner. The spirit in which our discussions have taken place has been most cordial and cooperative, and it is our hope that that spirit will continue to guide relations between the CTC and Member States.

The dangers of terrorism and of possible attacks by terrorists are realities that cannot be escaped. Terrorism has no geographical boundaries. It attacks indiscriminately and ruthlessly. A terrorist attack, be it in Kashmir or in the Middle East, does not only have negative effects in the locality in which it takes taken place, it has ripple effects that may result in a conflagration of unprecedented violence throughout the globe. That is why we cannot stand idly by or be passive onlookers.

The standards set under various international conventions and instruments give us hope that terrorism can be stopped. The far-reaching mandate of resolution 1373 (2001), if fully implemented and respected by each State Member of the international community, will, to a large extent, guarantee international peace and security and rid the world of the scourge of terrorism. In order to ensure that we attain that goal, it is important to address the following issues in a comprehensive manner.

We will need to look into ways to prevent the proliferation of future terrorists and terrorist organizations. We will also need to address the root causes of terrorism, as well as to explore ways to enforce rigorous rules and laws, at the domestic, regional and international level, on issues such as drug trafficking, money laundering, terrorist financing and traffic in small arms and light weapons. Lastly, perhaps the most important issue — which is a matter that the CTC is clearly focusing on fully — is to give the necessary assistance in fully implementing resolution 1373 (2001) to those countries that need it.

My delegation supports the appeal made by the Chairman to those States that have not yet submitted a report to open a line of communication with the CTC and to keep the Committee informed of any difficulty they are facing in the implementation of resolution 1373 (2001). Their response is all the more important if we are to keep up the momentum in the international alliance against terrorism.

Finally, I would like to reiterate my personal commitment to the work of the CTC, as well as the commitment of my Government to fully implement resolution 1373 (2001).

Mr. Tafrov (Bulgaria) (*spoke in French*): I shall try to be brief, as I am the next to last member of the Council to take the floor, because I agree fully with the analysis made by previous speakers and also because Bulgaria fully endorses the statement to be made shortly by the representative of Spain on behalf of the European Union.

The fact that I am the penultimate speaker among members places me in a somewhat difficult position, because the praise given to the work of the Counter-Terrorism Committee (CTC), and to its Chairman in particular, has been extremely eloquent and it is very difficult to add much more. However, I would like to underscore the fact that, in our opinion, the success achieved by the Committee and by its Chairman, Sir Jeremy Greenstock, is not due solely to its working methods, evoked by Jean-David Levitte a few moments ago, but also to a certain style, a style that is on a par with the task at hand and that is characterized by extraordinary intellectual and moral rigour, equality, benevolent discipline and full transparency leading to consensus. I must say that we have rarely seen an individual contribute so much to such a noble cause. Sir Jeremy Greenstock and his colleagues in the United Kingdom Mission are showing that diplomacy serves some purpose.

I must very briefly highlight the aspects of the work of the Counter-Terrorism Committee that are of the greatest interest to us. First and foremost, I wish to mention the unprecedented audit of the legislative, administrative and other capacities of States Members of the United Nations. That audit is indeed unprecedented, and it has also been very effective and thorough. Political will is generally present, but further efforts must nevertheless be made. There are still countries that have not yet submitted reports. They must do so.

In particular, I wish to emphasize the importance that Bulgaria attaches to the ratification of the 12 United Nations counter-terrorism instruments. I will not hide the fact that my country is proud to be among the 14 States to have ratified all 12 conventions.

It is a strong temptation for me not to conclude on such a specific point, but, as Sir Jeremy mentioned a while ago, a regional political forum of the countries of South-Eastern Europe is being held today in Sofia on the subject of the fight against terrorism. Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, Slovenia, Turkey and the Federal Republic of Yugoslavia are all taking part in that meeting. Principal among the major objectives of the forum is to establish permanent regional counter-terrorism structures. Another important objective is to develop a coordinated plan of action among the States of the region and to encourage the creation through parliaments of national structures devoted to combating terrorism and to help accelerate the adoption of counter-terrorism legislation.

I wish to point out, among the more specific objectives, a unified format for travel documents and identity cards for citizens of the States of the region. And also on the agenda are items for training police officers and customs inspectors to combat human trafficking, illegal immigration, and drug trafficking, which very often are the very source of terrorism. My delegation will inform Members of the United Nations of the results of its activities because we firmly believe in the need for a regional approach to the fight against terrorism. From this standpoint the work of the CTC is headed in the right direction.

The President (*spoke in Arabic*): I will make a statement in my capacity as representative of the Syrian Arab Republic.

The Syrian delegation expresses it gratitude to the Chairman of the Counter-Terrorism Committee (CTC), Sir Jeremy Greenstock, to the Vice-Chairmen, the Committee's members, the experts, the Committee secretariat and the Translation Services for their successful efforts during the previous phases of the Committee's work. We also wish to thank the Secretary-General for facilitating the work of the Committee.

The Committee, in previous phases of its work has been able to meet the requirements of its commitments and mandate primarily through the response of most Member States to the requirements of resolution 1373 (2001). Specifically, 159 requisite reports have been submitted to the Committee to date, with four more reports to come. We note that a few States have been unable to submit their reports. This in no way is due to unwillingness to abide by the requirements of the resolution but rather is due to difficulties previously raised by the Committee Chairman at previous meetings. Syria welcomes the provision by the CTC of all forms of assistance —

technical, financial and administrative — to these countries in the preparation of the requisite reports.

The Chairman of the CTC presented to the Council a clear and precise work plan for the CTC's next phase. While Syria is determined to make every possible effort to ensure the realization of that work plan through its cooperation in meeting the expectations of Member States, we stress that guaranteed success depends primarily on the response from Member States. Success depends also on concerted international efforts to combat all forms and manifestations of terrorism, as well as an analysis of its roots and causes.

Combating terrorism requires all of us to make genuine and sincere efforts in different fields. It requires of the Security Council members in particular further coordination and concentration of efforts, particularly at the regional level. The Syrian Arab Republic, whose genuine contributions to combating terrorism are known to many States, will continue to do its utmost to achieve our common objectives.

I now resume my function as President of the Security Council.

Mr. Arias (Spain) (*spoke in Spanish*): It is an honour to speak on behalf of the European Union. Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, Cyprus, Malta and Turkey, as well as Iceland, align themselves with this statement.

The European Union welcomes this new opportunity to review the work of the Security Council Counter-Terrorism Committee. We commend and support the transparency with which it works, and we thank Ambassador Greenstock for his commitment and involvement in this essential task.

The fight against terrorism remains an absolute priority for the European Union. In this context we acknowledge the central role of the United Nations through the Security Council and the CTC, and we affirm our full commitment. The Committee is now entering the second phase in its consideration of the reports. A great effort has been made by members of the Committee, its experts and the Secretariat to analyse the wealth of information provided by more than one hundred and fifty reports. Member States should provide the CTC with their pending reports, whether initial or subsequent. We urge those countries that have not yet presented their national reports to do so.

However, resolution 1373 (2001) is not complied with through mere presentation of reports. The essential point is to implement the resolution fully, and reports should reflect the reality of legal and practical measures adopted at the national or regional level. The European Union will provide a timely response to the Committee's request for clarifications. Similarly, its member States will do likewise in their national capacity.

International solidarity and cooperation constitute essential instruments to fight the scourge of terrorism. The European Union stands ready to assist third countries to reinforce their capacity to respond effectively to this international threat. The European Commission has further scope to offer assistance in the areas covered by resolution 1373 (2001) through existing programmes.

The European Union expects that the CTC and countries or regions in serious need of assistance will provide specific requests. This would enable the Commission and the European Union member States, together with the international financial institutions and other donors, to enhance coordination to identify and implement concrete actions. An overview of the European Union assistance programmes appears on the CTC's website. The European Union will remain in close consultation with the CTC, since it is an important forum for coordinating requests with offers of assistance in counter-terrorism actions.

The Chairmanship of the Organization for Security and Cooperation in Europe organized an important conference in Lisbon in June, at which representatives of various international organizations discussed the need for coordination among regional organizations. The European Union stated there that we must try to avoid overlapping and proliferation of bodies with similar or identical tasks. Time and resources should be used more effectively through identifying the added value each organization can provide. To that end, the CTC is optimally qualified to serve as a clearing house for contacts and information exchange on the activities of the various international bodies.

The effectiveness of national counter-terrorism efforts can be greatly enhanced through regional organizations. The Union is well prepared for that, as it

is not just a cooperation organization; it is geared towards developing common norms and policies. During these past three months, the Union has continued to implement the Common Position and the Action Plan adopted after the events of 11 September. We have revised and substantively enlarged the list of terrorist individuals, entities and groups, which is annexed to the European Common Position of 27 December 2001.

We recently adopted European Council regulation 881/2002, which incorporates the provisions of Security Council resolution 1390 (2002). The most recent development occurred on 13 June 2002, when the competent European ministers approved harmonization of the criminal offence of terrorism through an agreement that entails a common definition of terrorism that carries the most severe penalties of each national legal system.

The establishment of joint investigation teams and the framework decision on the common European arrest warrant and surrender procedures were also approved. This will result in a procedure that is much simpler than the traditional extradition procedures, which judges will use to detain terrorist suspects and to turn them over to the requesting State member of the Union.

The European Union is convinced that the fight against terrorism must respect human rights and the rule of law, and that individual human rights must be taken into account in the design and implementation of sanctions in the fight against terrorism. The Union believes that States, in fighting terrorism, must not condone acts of indiscriminate violence against civilians or use counter-terrorism as a pretext for political repression. We commend the Committee's contacts with the Office of the High Commissioner for Human Rights and its acceptance of parallel monitoring of the observance of human rights obligations.

The European Union is trying to assist in the fight of the international community, urging the speedy signature or ratification of the 12 United Nations instruments against terrorism. We remain committed to finalizing negotiation of the draft comprehensive convention against terrorism. The United Nations Office for Drug Control and Crime Prevention at Vienna should provide Member States upon request technical assistance for the signature, accession, ratification and effective implementation of those international instruments. The Union awaits the report of the Secretary-General, requested by the General Assembly in its resolution 56/253, which will make proposals to strengthen the United Nations Terrorism Prevention Branch to enable it to carry out its mandate, as approved by the General Assembly.

In conclusion, the international fight against terrorism is going to require a long and costly effort on the part of us all. It can succeed only through strong and sustained international cooperation. The United Nations, particularly the Counter-Terrorism Committee, will be crucial to its success. We urge all States and international organizations to offer full assistance.

The President (*spoke in Arabic*): The next speaker is the representative of Costa Rica. I invite him to take a seat at the Council table and to make his statement.

Mr. Niehaus (Costa Rica) (*spoke in Spanish*): I am pleased to address the Security Council, on behalf of the 19 States members of the Rio Group, during its consideration of the third quarterly report of the Counter-Terrorism Committee (CTC) established by resolution 1373 (2001). I wish to begin by thanking Sir Jeremy Greenstock, Chairman of the Committee, for his briefing and for his excellent work at the head of that body. I wish also to congratulate the Vice-Chairmen of the CTC.

The States members of the Rio Group condemn and reject terrorism in all its forms and manifestations. At the same time, we firmly support all cooperation and coordination measures adopted internationally and regionally and within a framework of strict observance of human rights, the rule of law, international humanitarian law and other norms and principles of international law, with a view to combating terrorism. In that context, as the representatives of Mexico and Colombia have stated, the 3 June 2002 adoption of the Inter-American Convention against Terrorism by the Organization of American States significantly bolsters regional mechanisms to combat this scourge.

The Rio Group is particularly pleased to note the submission of more than 160 national reports, in compliance with the provisions of resolution 1373 (2001). We appreciate the vast work of the Committee, which has enabled it, with professionalism and transparency, to consider the vast majority of those

reports. We hope that the Committee will soon be able to consider the reports it has not yet been able to examine. However, we note that a small number of States have still not submitted their first reports, in accordance with the provisions of resolution 1373 (2001), and we call on them to submit them as soon as possible. In that regard, we believe that the Committee experts on the provision of assistance could help them resolve any practical difficulties they may face.

The Rio Group welcomes the opportunity for constructive dialogue between the Security Council and United Nations Member States provided through the submission and consideration of national reports. We believe that the Committee's success depends on its capacity to generate and maintain ongoing communication among the Organization, its Member States and regional organizations, with a view to strengthening intergovernmental and inter-institutional assistance and cooperation to combat terrorism.

In that context, we believe that the Committee must facilitate the provision of technical assistance and financial cooperation to those States requiring it to strengthen their justice systems and their legislative frameworks. Therefore, we welcome the Committee's intention to serve as a contact point between countries and bodies providing assistance and the States requesting assistance. The States members of the Rio Group hope that, in the coming months, in accordance with its programme of work, the Committee will consider the second round of reports and the clarifications requested of States. Similarly, we trust that in the coming months the Committee will pursue dialogue with all countries in order to ensure the implementation of resolution 1373 (2001) and to strengthen the capacity of States to combat terrorism. That is the Committee's mandate.

We endorse the understanding within the Committee that it need not assume quasi-judicial functions or declare that some States have complied with resolution 1373 (2001) while others have not. We agree with Ambassador Greenstock's assessment that continuous efforts are required to achieve the objectives enshrined in the resolution and that therefore no State can consider its work complete. We trust that during the next phase the Committee will continue to work transparently and to be impartial in its results.

In the next three months the Committee should also increase contacts with regional organizations in order to coordinate its counter-terrorism efforts. We note that those organizations can act only within their respective mandates and in accordance with their statutes. In this framework, cooperation between those organizations and the Committee must be in strict compliance with those mandates. At the same time, we believe it is necessary for States members of those bodies to consider the role that each of them can play within their respective spheres of competence.

During the upcoming period the Committee will also have to meet the challenge of its growing practical and financial requirements. The work of that body is consuming significant quantities of the limited resources of the Organization. To date, its needs have been met with resources earmarked for other programmes and mandates. This is not a sustainable solution, given that other programmes are equally necessary for the international community. We therefore consider it essential to allocate resources to the Committee within the Organization's budget.

We the members of the Rio Group are aware that combating terrorism should lead us to build more open and tolerant societies. As clearly stated by the High Commissioner for Human Rights, combating terrorism requires that the root of the problems that cause insecurity be attacked. In this context, we know that the best protection against terrorism is respect for human rights and democracy in all spheres. Therefore, combating this scourge should lead to the establishment of a true culture of peace, tolerance and solidarity. These are the values that the Counter-Terrorism Committee must promote.

The President (*spoke in Arabic*): The next speaker on my list is the representative of Brunei Darussalam. I invite him to take the seat reserved for him at the Council table and to make his statement.

Mr. Serbini (Brunei Darussalam): I have the honour of speaking on behalf of the members of the Association of South-East Asian Nations (ASEAN), namely Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

At this juncture, ASEAN wishes to thank the Chairman of the Counter-Terrorism Committee (CTC), His Excellency Sir Jeremy Greenstock, the Vice-Chairmen, the other Committee members and all the experts involved for their dedication and hard work.

We very much welcome these open meetings to hear updates by the Chairman of the CTC on its work. We appreciate the progress made by the Committee and note that it has already issued 127 responses to the reports submitted by Member States in response to paragraph 6 of Council resolution 1373 (2001), and is ready to review the second round of reports. In that regard, we wish to emphasize that all ASEAN member countries have already submitted their first reports and, at this stage, are progressing towards fulfilling the next requirements of the CTC. We look forward to further efforts by the Committee and others to provide assistance to ASEAN member countries in need of help in implementing resolution 1373 (2001).

Allow me to give a further update on ASEAN's ongoing efforts to combat international terrorism. An important ASEAN achievement was the special ministerial meeting on terrorism held in Kuala Lumpur, Malaysia, on 20 and 21 May 2002. While noting with concern the close links between transnational crime and terrorism, which lend greater urgency to efforts to combat transnational crime, our ministers agreed to endorse a comprehensive work programme on terrorism to implement the ASEAN Plan of Action to Combat Transnational Crime, which included, among other things: exchange of information; the compilation and dissemination of relevant laws and regulations of ASEAN member countries; the compilation and dissemination of bilateral and multilateral agreements and information on relevant international treaties where feasible; the development of multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution, extradition, inquiry and seizure in order to enhance mutual legal and administrative assistance among ASEAN member countries where feasible; the enhancement of cooperation and coordination in law enforcement and intelligence sharing; and the development of regional training programmes.

Offers were also made at the meeting by Malaysia, Singapore and Indonesia with respect to training and capacity-building for all ASEAN member countries. The ministers also agreed to designate principal contact points in all ASEAN member countries on counter-terrorism matters. The progress made in the implementation of these programmes will be reviewed at subsequent meetings of ASEAN ministers responsible for transnational crime issues.

An ASEAN Regional Forum (ARF) workshop on the prevention of terrorism was held in Bangkok on 17 to 19 April, organized by the Governments of Thailand and Australia. It was opened by the Foreign Minister of Thailand. The workshop concluded that greater exchange of information and intelligence and further cooperation among law enforcement and other relevant security agencies were essential tools in the fight against terrorism. Participants agreed that training and exercises among ARF countries could contribute usefully towards the development of national and regional capabilities to prevent terrorism. They further agreed that ARF participating countries be invited to submit to the ARF Chair summaries of measures taken nationally in response to the terrorist threat.

Earlier, another ARF workshop on financial measures against terrorism was jointly organized in Honolulu by the United States and Malaysia from 24 to 26 March 2002. Japan, the Republic of Korea and Singapore will also jointly organize the third ARF workshop on counter-terrorism in Tokyo in September or October 2002, which will focus on security arrangements for large-scale events. These workshops are examples of ASEAN-led efforts to promote cooperation between countries within South-East Asia and those outside the region to combat international terrorism.

In addition, various projects and initiatives related to combating international terrorism were planned by individual ASEAN members such as the agreement on information exchange and establishment of communication procedures signed by Indonesia, Malaysia and the Philippines in Kuala Lumpur on 7 May 2002, under which the parties to the agreement will cooperate to combat transnational crime, including terrorism.

These steps reflect our commitment to tackle this enormously challenging task. Countering terrorism remains very high on our agenda, and I would like to take this opportunity to reassure the Council of ASEAN's continued cooperation in preventing, countering and suppressing all terrorist acts in accordance with the Charter, all relevant United Nations resolutions, in particular Security Council resolution 1373 (2001), and the principles of international law.

The President (*spoke in Arabic*): I now give the floor to Sir Jeremy Greenstock to respond to questions and comments made.

Sir Jeremy Greenstock (United Kingdom): I very warmly appreciate the words of support and commendation that the Committee has received. I am particularly pleased that Council members and others have warmly recognized the work of the Vice-Chairmen, because the work of the subcommittees has been absolutely crucial to the progress that we have made on the reports. I really pay tribute to the amount of personal effort and intelligent determination that they have brought to the work of the subcommittees.

I am also glad that members of the Council have recognized the excellent work of our experts, who have formed a truly united team now, which has given us tremendous help — and of the Secretariat. Council members have also drawn attention to the contribution of my own delegation, which comes better from you, members of the Council, than from me. I want to underline the debt of gratitude that I owe to Anna Clunes and the rest of my team for maintaining an up-front, initiative approach that has provided a real grip on this subject for the whole Committee.

Let me go through a number of points that arose in the interventions. Ambassador Mahbubani raised three questions with his typical imagination. I think that the criteria for self-assessment are going to emerge from the work that our experts are doing, from their experience of what they are finding in the reports. And the Chair intends to offer to the Committee, with the help of the experts, a synthesis of ongoing experience, which will begin to amount to benchmarks for what we are looking at and what we are looking for. We discussed this with the experts, and in due course over this next period, we will provide some advice to members of the Committee that will be available to the wider membership about what is coming of the reports and what the emerging criteria are on which we are working. I think it is better that this should come out from experience and from an empirical approach rather than from our trying to lay it down as a matter of principles. We will discuss this within the Committee, but I assure Singapore and others that the Committee will work to produce what Ambassador Mahbubani is working for.

As to preparing for the major annual review that we will have in October, the United Kingdom delegation will commit itself to putting around a paper before that debate that will set out some issues worth deeper discussion. They will be issues that will not be unfamiliar to Committee members, because we discuss most things, but we will try to set the framework for that debate in late September or early October in coordination with the presidency of the month. We will try to make some suggestions to our colleagues on the Council as to what we should be looking at.

Ambassador Mahbubani asked a third question. He really set a little trap that is tempting to fall into. So I shall. He asked for a layman's analogy, and what occurred to me in response was that the Committee has in a sense become a fitness trainer. A fitness trainer is, in many respects, your friend, because he is aiming to do you good; and in some respects he is your enemy because he is hurting you. It hurts, but it prolongs your life. The important thing about the Counter-Terrorism Committee is that it is acting on doctor's orders. There is the threat of a life-affecting disease that we are having to attack. We have to raise our capability to deal with this. Nearly all of us need help in doing so.

The CTC is the catalyst for the provision of the instruments for raising that capacity. The fitter the global system is, without exception, to meet the threat of the disease of terrorism, the longer our global society will remain healthy and will prolong its life. I think this is a fair analogy, but do not forget that it is under doctor's orders. It is your choice, Member States, whether you respond to the programme, but your doctor has laid out the prescription.

Many of you have referred to non-reporting States, and we are working in cooperation with those States to make sure that they report soon. I would like to underline, please, the role of the regional groups in making sure that their members do respond to the requirement of resolution 1373 (2001). We were not going to have a comprehensive debate today, and not all regional groups have decided to contribute, but I note that those regional groups from whom the great majority of non-reporters come have not decided to contribute today. There is a responsibility within the region to make sure that members who have not reported do not let down those members who have reported.

A number of speakers — including Mexico, Ireland, the European Union (EU) and the Rio Group — have commented on the relationship between

our work and the requirements of human rights, and on the balance that is needed in this area. I think the Committee has got this balance right in showing a considerable awareness of human rights requirements, but not taking on any responsibility as a function — because it is not our function — and in having a good relationship with the Office of the High Commissioner for Human Rights, with civil society and non-governmental organizations who, at some point, I would like the Committee to agree, should come in some guise or other to have a discussion within the Committee.

Let me just make one small comment on the quotation from High Commissioner Mary Robinson that came out of the Irish intervention. She says that her shadow is cast by — and I paraphrase — by excessive security. Yes, a shadow is cast on human rights by excessive security. But a shadow is cast on human rights and freedom by inadequate security. We have to realize that there is a balance between the two. The action of terrorists is an attack on human rights and individual rights, and the fight against terrorism is itself an extension of human rights. So let us get the balance right.

I think many speakers have rightly focused on the assistance programme. We are taking time to get it going to a point at which it is of real practical help to individual Member States. The appointment of two experts in that area has accelerated the programme, and the Committee is committed to producing a website that is of real use within the 90-day period coming up. I think that the United States is right to draw attention to the fact that donors must offer more, because there are donors out there — or potential donors — who have not come forward. We will be enhancing our contacts with them to accelerate the programme. I warmly welcome the words of the European Union in establishing itself as a major source of donor activity, and we will be in contact with the European Union to chase it up.

I will continue to have open meetings with United Nations Members, and I have to say that I am extremely grateful to the members of delegations who come along to these meetings — in quite considerable numbers — for the spirit with which they enter the conversations and for the care they take to realize the opportunity we give them to ask questions and to look at areas where they are uncertain about the Committee's approach. I think this is a very important aspect of the Committee's work, and I appreciate the response.

Finally, I think that the intervention of the Rio Group made a good point about resources. We do not have, in this area, the resources that the importance of the subject dictates. That is something that we will have to look at — not just the provision of assistance, but the resources that come from the United Nations family and the Secretariat in making sure that the work of the Committee continues to be of real practical value to all United Nations Members and that the momentum behind the Committee is maintained. That is an area that we will have to look at on the agenda of the Committee.

I thank you, Mr. President, for your care in having organized and presided over this meeting, which I think has been very useful. We look forward to reporting from the Committee on our next 90-day period.

The President (*spoke in Arabic*): I thank Sir Jeremy Greenstock for his useful responses and the comprehensive clarifications that he provided. I would like once again to thank him for his efforts.

There are no further speakers inscribed on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.55 p.m.

United Nations S/PV.4562

Security Council

Distr.: General
28 June 2002

Original: English

Official communiqué of the 4562nd (closed) meeting of the Security Council

Held in private in the Security Council Chamber at Headquarters on Friday, 28 June 2002, at 10.50 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4562nd meeting, held in private on 28 June 2002 at 10.50 a.m., the Security Council considered the item entitled 'Wrap-up discussion on the work of the Security Council for the current month'.

"The President, with the consent of the Council, invited the representatives of Bahrain, Egypt, Spain and Ukraine to participate in the discussion of the item without the right to vote in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"The members of the Council and the representatives invited under rule 37 of the Council's provisional rules of procedure had a constructive discussion."

02-44902 (E) 280602

United Nations S/PV.4563

Security Council

Fifty-seventh year

Provisional

4563rd meeting

Sunday, 30 June 2002, 5 p.m.

New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Zhang Yishan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mr. Koonjul
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	United Kingdom of Great Britain and Northern Ireland	Sir. Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-45008 (E)

The meeting was called to order at 5 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Germany and Italy, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr.Kusljugić (Bosnia and Herzegovina) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618). Members of the Council also have before them document S/2002/712, which contains the text of a draft resolution submitted by Bulgaria, France, Germany, Ireland, Italy, Norway, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Negroponte (United States): The long-standing commitment of the United States to peace and stability in the Balkans is beyond question. We have also been clear and consistent about our concerns on the question of the International Criminal Court (ICC), in particular the need to ensure our national jurisdiction over our personnel and officials involved in United Nations peacekeeping and in coalition-of-the-willing operations.

As you are well aware, this is not the first time we have raised this issue with the Council. I explained these concerns when we dealt with the United Nations Mission of Support in East Timor (UNMISET) in May. The United States voted in favour of the East Timor resolution with the expectation that the Council would address our concerns before the ICC came into effect on the first of July. In East Timor only three United States soldiers participate in the United Nations peacekeeping mission; we intend to withdraw them absent a solution to this question.

It is with great regret that the United States finds itself on the eve of that date, and despite our best efforts, without a solution.

The United States has contributed — and will continue to contribute — to maintaining peace and security in the Balkans and around the globe. Contributing personnel to peacekeeping efforts demonstrates a commitment to international peace and security that, as you all know, can involve hardship and danger to those involved in peacekeeping. Having accepted these risks by exposing people to dangerous and difficult situations in the service of promoting peace and stability, we will not ask them to accept the additional risk of politicized prosecutions before a court whose jurisdiction over our people the Government of the United States does not accept.

Some contend that our concerns are unwarranted. With our global responsibilities, we are and will remain a special target and cannot have our decisions second-guessed by a court whose jurisdiction we do not recognize.

With the court coming into being, this problem must be resolved — but in a way that takes into account two hard facts: the United States wants to participate in international peacekeeping, but the United States, a major guarantor of peace and security around the globe and a founding member of the United Nations, does not and will not accept the jurisdiction of

the ICC over the peacekeepers that it contributes to operations established and authorized by the United Nations.

The failure of the Security Council to act to preserve an appropriate legal status for United States and other non-ICC party peacekeepers can only end in damage to international peacekeeping generally. We believe that none of this is of our making. We have offered a practical solution to this problem that would preserve everyone's interests, protect international peacekeeping and strengthen the hand of this Council to maintain international peace and security.

We have scrupulously sought to find a way forward that is consistent both with others' obligations to the Rome treaty and with United Nations peacekeeping practice. Furthermore, we have accepted the principle that this solution should apply only to States that are not party to the ICC.

Let me repeat: there is no inherent reason why States that have signed or even ratified the Rome Treaty cannot also support our proposed solution. Our proposal calls for establishment of immunity for United Nations peacekeeping. It builds on immunities that are already recognized in the United Nations system and reflected in status of forces and status of mission agreements. The Rome Treaty itself recognizes the concept of immunity. If the Security Council decides that its ability to maintain international peace and security will be enhanced by providing immunity to United Nations peacekeeping, it may provide such immunity. The framers of the ICC Treaty surely could not limit the authority of the Security Council in that regard. The consequence of providing United Nations peacekeepers with such immunity would be the creation of a legal obligation on States to observe that immunity. Pursuant to article 98 of the ICC Treaty, the compliance of ICC parties with such obligations is entirely consistent with the Treaty.

It strikes us as more than perplexing that others that are parties to the ICC can use the provision of the Treaty to exempt their forces for an extended period from the purview of the Court for war crimes and then suggest that our attempt to use other provisions of the Treaty similarly to provide protection for our forces either violates their Treaty obligations or does unacceptable damage to the spirit of the Treaty.

The United States will vote against this draft resolution with great reluctance. This decision is not directed at the people of Bosnia. We will stand by them and by our commitment to peace and stability in the Balkans. The fact that we are vetoing this draft resolution in the face of that commitment, however, is an indication of just how serious our concerns remain about the risks to our peacekeepers.

The President (*spoke in Arabic*): I now put to the vote the draft resolution contained in document S/2002/712.

A vote was taken by show of hands.

In favour:

Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland

Against:

United States of America

Abstaining:

Bulgaria

The President (*spoke in Arabic*): The result of the voting is as follows: 13 votes in favour, 1 against and 1 abstention. The draft resolution has been not adopted owing to the negative vote of a permanent member of the Council.

I should like, before calling on those members who wish to make statements following the voting, to welcome the Secretary-General, His Excellency Mr. Kofi Annan, and to give him the floor.

The Secretary-General: Today, the mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) comes to an abrupt end for reasons that are unrelated to the vitally important work that it is performing to implement the Dayton Peace Agreement. The United Nations Mission has made a universally recognized contribution to the re-establishment of the rule of law and political stability in Bosnia and Herzegovina by transforming a 40,000-strong wartime militia into a 14,000-strong professional police force.

But the State and its institutions are still fragile and are under pressure from nationalist forces. Unless an agreement can be reached on an orderly wind-down of the Mission, the police in Bosnia will be left unmonitored, unguided and unassisted. Key programmes, including the control of the borders by a professional State Border Service — a key instrument

for fighting contraband activities and illegal immigration — will be left uncompleted. Further, the long-planned handover to the European Union Police Mission scheduled to take place at the year's end, when UNMIBH would have successfully completed its mandate, will be severely compromised.

I take this opportunity to express my sincere gratitude to all men and women in UNMIBH for their exemplary work, and to the nations which have generously contributed their civilian police officers to this critical and complex mandate.

The people of Bosnia and Herzegovina are beginning to reap the fruits of the international community's assistance after the country was ripped apart by war from 1992 to 1995. It would be most unfortunate if the premature termination of UNMIBH's mandate were to set back that process. It would be perceived throughout the Balkans as a diminution of the international community's commitment to stability in the region.

More generally, I remain convinced that United Nations peacekeeping is an indispensable tool for the international community's promotion of global peace and security. I appeal to members of the Security Council to intensify the high-level negotiations, including in capitals, of the past weeks so as to find a solution acceptable to all concerned that respects the principles of the Charter of the United Nations and treaty obligations of Member States. The world cannot afford a situation in which the Security Council is deeply divided on such an important issue which may have implications for all peace operations.

The President (*spoke in Arabic*): I thank the Secretary-General for his statement.

Mr. Tafrov (Bulgaria) (*spoke in French*): I wish to begin by thanking the Secretary-General for the statement he just made. I endorse every word of it. He was right to focus his statement on Bosnia and Herzegovina — a new, fragile State in South-Eastern Europe, which has experienced very difficult times, as we all know, and which does not deserve that. Bulgaria has frequently expressed its appreciation and support for the United Nations Mission in Bosnia and Herzegovina as a stabilizing factor not only for that country, but for the region as a whole. We take this opportunity to confirm our support and to thank the men and women who have done such excellent work.

I also wish to emphasize that, as a State party to the Rome Statute, Bulgaria strongly supports the principles and values applied therein and will work to strengthen the International Criminal Court so that it can become an effective organ for the international community to combat the most serious crimes and immunity and for justice against war criminals.

At the same time, my country wished to abstain in the vote on the draft resolution, not because we do not support the principle of a United Nations presence in Bosnia and Herzegovina. To the contrary, we do. We wanted to draw attention to a very serious situation to which the Secretary-General referred, which is the lack of unity in the Council on this issue. That is a very serious situation. We trust that the disappearance of a United Nations presence from Bosnia and Herzegovina will be temporary.

As I said during our closed consultations, we appeal to all Security Council members to seek compromise. As the members of the Council are aware, during informal contacts in the past few days, my delegation proposed various formulas to get out of the situation in which we find ourselves today. However, we did not succeed. That is why my country abstained in the vote on this draft resolution.

In conclusion, I wish to express once again the hope that Council unity will be restored very soon.

Mr. Levitte (France) (*spoke in French*): France deeply regrets the present situation. Intensive negotiations were held this past week in the Security Council and among our various capitals. Despite the efforts made, no solution reconciling the various interests was agreed.

The veto of the United States is a threat to the existence of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), a Mission remarkably led by an American, Mr. Jacques-Paul Klein, and a Mission whose impressive achievements in restoring law and order and combating organized crime and terrorism have just been noted by the Security Council and the Secretary-General. The Mission was about to end in a few months anyway, to be replaced by a police mission under the auspices of the European Union.

The decision of the United States to oppose the extension of UNMBIH is difficult to understand in many respects. UNMIBH has existed for several years now. It was set up — as was the International Criminal

Tribunal for the Former Yugoslavia — by a unanimous Security Council resolution that had the full support of the United States. At no point did the existence of that Tribunal — before which, in principle, UNMIBH participants could have been called — pose any problems for the United States.

Tomorrow, 1 July 2002, the Statute of the International Criminal Court will enter into force. The United States chose not to ratify the Rome Statute. We respect its position, even if we do not agree with it. In the same spirit, we call on the United States to respect the choice made by States that ratified the Rome Statute or that intend to. That is the case particularly with 15 member States of the European Union, which have all not only ratified the Statute, but have also committed themselves to promoting its universality.

Does the problem we face today not have a solution? Obviously, the answer clearly is no. Certainly, no Security Council member accepted the solution proposed by the United States in paragraph 4 of its text. The American approach would in fact have called into question the commitments made by States that ratified the Rome Statute. I recall that many States, including France, have made constitutional revisions in order to take into account the provisions of the Statute, including the one on immunity. The approach proposed by the United States was therefore not practicable.

Are there any other solutions? The answer clearly is yes. The simplest thing for the United States to do is to withdraw the 46 United States police from the 1,586 that make up the UNMIBH international police component, so that they could then be removed from the jurisdiction of the International Criminal Court in the very unlikely situation that one of those unarmed American policemen commits genocide, a war crime or a crime against humanity that falls within the restrictive provisions of the Rome Statute. There is simply no reason to kill UNMIBH in order to protect the 46 policemen and other United States civilian citizens.

However, there is another path, that of the law, which would allow us to take into account the American concern. Two legal solutions could be considered. The first would be to use paragraph 2 of article 98 of the Rome Statute, which would enable the United States and any other State not a party to the International Criminal Court to conclude with the host country of a United Nations force a bilateral agreement whereby the consent of the United States would be required in the event that the Court required the transfer of an American national member of that force.

The second solution would be, as France and the United Kingdom proposed, to use article 16 of the Rome Statute in order to enable the Security Council to request the International Criminal Court on a case-by-case basis, through a resolution, to not be seized for a one-year renewable period, in the case of an ongoing investigation on a member of a force who is a citizen of a State that is not a party to the Rome Statute.

For France and several Council members, those two options would make it possible to respond to a great extent to the United States concern, in full accordance with the letter of the Rome Statute. Those two possibilities are still before us today.

Together with its partners in the Security Council, France is willing, in coming days, to seek, through a constructive dialogue, a sensible solution that is acceptable to all. What is at stake, as the Secretary-General has stressed, is the very capacity of the United Nations to continue its peacekeeping operations — operations that provide irreplaceable services to the international community as a whole.

Sir Jeremy Greenstock (United Kingdom): I very much appreciate the Secretary-General's presence and what he said to us.

The United Kingdom is firmly committed to the International Criminal Court (ICC) and will continue to work for an effective Court, in accordance with our legal commitments under the Statute and with the European Union's Common Position.

While we understand United States concerns regarding the Court, we do not share them. As the Secretary-General has pointed out, the mandate of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) has come to an end for reasons unrelated to its substantive presence in Bosnia and Herzegovina.

We believe that the risk of peacekeeping personnel appearing before the Court is extremely small. Under the so-called complementarity principle, the ICC will take over only if States are unwilling or unable to investigate. Allegations of crimes will thus, in most cases, continue to be investigated by the authorities of the State with jurisdiction. In the United Kingdom, our authorities would launch an investigation into any allegations that a British soldier

had committed a crime which fell within the ICC Statute, so that we can be as certain as it is possible to be that no British soldier will ever come before the Court.

We believe also that the international community's forces in Bosnia, including those of the United States, are doing an important job and need to be allowed to complete their role. We therefore very much regret the United States veto, the reasons for which do not appear fully clear when the International Criminal Tribunal for the Former Yugoslavia (ICTY) continues to have jurisdiction in the former Yugoslavia regardless. Like France, we very much hope that we shall soon be able to find a mutually acceptable solution.

The United Kingdom pays tribute to the Special Representative in Bosnia and Herzegovina and to his whole team in UNMIBH for the superb work that they have performed to date.

Mr. Valdivieso (Colombia) (spoke in Spanish): Given the impossibility of extending the United Nations Mission in Bosnia and Herzegovina (UNMIBH), my delegation would like to make the following statement.

Colombia has participated in this process with a constructive attitude, taking into account three aspects.

The first aspect concerns our relationship to the Rome Statute as a signatory country whose Congress, besides approving the constitutional reform, has already begun the process of considering the law to approve the Treaty. That law is currently being reviewed by the Constitutional Court prior to ratification, which will definitely take place very soon. This circumstance imposes obligations on us, the first of which is that the State must act in a way that is compatible with the Statute of the International Criminal Court (ICC).

A second aspect — which we have consistently highlighted — is the position of the United States, a country that has put forward a well-known position, which we understand and which we have contributed to analysing in a realistic manner, with a view to achieving agreement in order to preserve the cohesiveness of the Council and in particular to safeguard the instruments available to the Council to guarantee international peace and security.

We believe that progress has been made in the deliberations and in the various consultations that have taken place. We believe that progress can be made towards achieving unanimity on this crucial subject.

We believe in particular that the principle of complementarity which is present throughout and informs the Statute, as well as other provisions of the Rome Statute taken as a whole — such as, for example, the status of forces agreement (SOFA), which was mentioned by Ambassador Negroponte, among other things — provide broad guarantees for nationals of those countries that are not members of the Treaty. In sum, we know that these interpretations are not entirely satisfactory, even though they are being reaffirmed and emphasized by the Council.

The third aspect concerns the fact that the Council must, first and foremost, take into account the potential implications of such a decision for peacekeeping operations. Such operations are perhaps the most effective and widely used means of maintaining international peace and security. For that reason, we reaffirm our position, which we believe is constructive, and we join in the appeal of the Secretary-General to continue efforts even more intensively than in weeks past, with a view to achieving a common position.

These efforts are even more necessary in a world threatened by terrorism. These threats can be dealt with only if there is political will, which requires robust actions based on resolute agreements among those of us who have the obligation to meet the challenges posed by terrorism.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I should like to begin my statement by thanking the Secretary-General for his presence and for his statement.

China deems it regrettable that the draft resolution on the extension of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) was not adopted. China is in favour of the extension of UNMIBH. We appreciate the contribution it has made to stability and peace in Bosnia and Herzegovina, and we therefore voted in favour of the draft resolution.

I listened attentively to the explanatory statement made earlier by Ambassador Negroponte of the United States. China understands the concerns of the American delegation with respect to the International Criminal

Court (ICC). The Council also held several rounds of consultations on this problem. Regrettably, however, the parties concerned failed to reach an agreement. We hope that the interested parties will continue their consultations on the relevant issues, so as to ensure that this problem will not stand in the way of United Nations peacekeeping operations in Bosnia and Herzegovina and other regions; that it will not adversely affect the stability of the regions concerned; and that it will not jeopardize the efforts made and the achievements registered over the years by the United Nations and by the international community at large.

Mr. Kolby (Norway): First of all, I would like to thank the Secretary-General for his statement.

Norway deeply regrets that the Security Council could not agree on the draft resolution just voted on. The international community is intensively engaged in the vital process of establishing a viable post-war order in Bosnia and Herzegovina. There can be no doubt about the key role played by the United Nations in post-conflict peace-building in that area. This includes support for refugee returns and the promotion of the rule of law, including free and democratic elections. Needless to say, the international community has not given up on Bosnia and Herzegovina through this vote. It must redouble its efforts to carry out the work on the basis of the Dayton Accords.

We would be remiss if, on the very eve of the entry into force of the Rome Statute of the International Criminal Court (ICC), we did not renew, in this Chamber, our full commitment to the new reality of international criminal justice. Norway continues to be a staunch supporter of the Court, which will be formally established tomorrow. That is a historic turning point.

We are convinced that the Statute contains sufficient safeguards against unwarranted or arbitrary prosecutions. It is worthwhile recalling that it can be triggered only when impunity has been demonstrated through lack of genuine national prosecution of mass atrocities. The ICC thus gives total priority to national courts.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We, too, would like to thank the Secretary-General for the statement that he made.

The Russian delegation, guided by its consistent support for the peacekeeping activity of the international community in Bosnia and Herzegovina, voted in favour of the draft resolution in order to ensure the implementation of the Dayton Agreements. We regret that the draft resolution was not adopted, for reasons which, as has been noted today, are not directly related to the settlement in Bosnia. The reasons relate to the problem of the relationship between the United States and the International Criminal Court. We understand those problems. Over the past few days, working together with other members of the Security Council, we have made real efforts to try to find a solution within the norms of current international law that would also meet the concerns of the United States. We believe it necessary for the Security Council to continue its efforts in order to find consensus very soon.

Mr. Ryan (Ireland): Ireland supports absolutely the extension of the mandate of the United Nations Mission in Bosnia and Herzegovina and the authorization of the Stabilization Force. We therefore voted in favour of the draft resolution. We understand the concerns of the United States with regard to the International Criminal Court, in particular its concerns relating to United States personnel serving in United Nations missions. However, we cannot agree with the decisions at this point on the part of the United States regarding these concerns. We have said all along that we will work with others pragmatically to address these concerns, and that remains our position. We regret very much that this has not proved to be possible today due to an absence of agreement in the Council.

Ireland has ratified the Rome Statute of the International Criminal Court, and is therefore bound by its provisions. Ireland amended its constitution so that it could ratify the Rome Statute. We are also strongly committed to the Common Position of the European Union in relation to the International Criminal Court. The implications of the vote that was taken earlier are extremely serious — for the United Nations and this Council; for United Nations peacekeeping; and for the people of Bosnia and Herzegovina. However, we welcome Ambassador Negroponte's reiteration today of the United States commitment to peacekeeping in the Balkans and elsewhere. We note carefully that unambiguous commitment.

We, the members of the Council, in meeting the situation that has now arisen, must seek to move forward urgently as best we can. I convey my Government's strongest support for the concerns

expressed so succinctly and unequivocally by the Secretary-General in this regard.

The President (*spoke in Arabic*): There are no further speakers on my list.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.40 p.m.

United Nations S/PV.4564

Security Council

Fifty-seventh year

Provisional

4564th meeting

Sunday, 30 June 2002, 6.40 p.m.

New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Chen Xu
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Mr. Koonjul
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Mahbubani
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-45014 (E)

The meeting was called to order at 6.40 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Bosnia and Herzegovina in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Kusljugić (Bosnia and Herzegovina) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/716, which contains the text of a draft resolution submitted by France and the United Kingdom of Great Britain and Northern Ireland. It is my understanding that Ireland and Norway have joined the group of sponsors of the draft resolution.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1420 (2002).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 6.45 p.m.

United Nations S/PV.4565

Security Council

Distr.: General
3 July 2002

Original: English

Official communiqué of the 4565th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Wednesday, 3 July 2002, at 10.40 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4565th meeting, held in private on 3 July 2002, the Security Council considered the item entitled 'The situation in Somalia'.

"The President, with the consent of the members of the Council, invited Mr. Winston Tubman, Representative of the Secretary-General and Head of the United Nations Political Office for Somalia to participate in the discussion of the item, in accordance with rule 39 of the Council's provisional rules of procedure.

"The Security Council heard a briefing by Mr. Winston Tubman.

"The members of the Council and Mr. Tubman had a constructive discussion."

02-45667 (E) 030702

United Nations S/PV.4566

Security Council

Fifty-seventh year

Provisional

4566th meeting
Wednesday, 3 July 2002, 7.05 p.m.
New York

President:	Sir Jeremy Greenstock	(United Kingdom)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Chen Xu
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mr. Koonjul
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Mr. Yap
	Syrian Arab Republic	Mr. Wehbe
	United States of America	Mr. Negroponte

Agenda

The situation in Bosnia and Herzegovina.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178.

02-45787 (E)

The meeting was called to order at 7.05 p.m.

Expression of thanks to the retiring President

The President: As this is the first open meeting of the Security Council for the month of July, I should like to take the opportunity to pay a warm tribute, on behalf of the Council, to His Excellency Mr. Mikhail Wehbe, Permanent Representative of the Syrian Arab Republic to the United Nations, for his excellent service as President of the Council for the month of July 2002. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Wehbe for the great skill with which he conducted the Council's business last month. Thank you, Sir.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/724, which contains the text of a draft resolution prepared in the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/2002/724) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by a show of hands.

In favour:

Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1421 (2002).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 7.10 p.m.

United Nations S/PV.4567

Security Council

Distr.: General
8 July 2002

Original: English

Official communiqué of the 4567th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 8 July 2002, at 10.30 a.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4567th meeting, held in private on 8 July 2002, the Security Council considered the item entitled 'The situation in Guinea-Bissau'.

"The President, with the consent of the members of the Council, invited Mr. David Stephen, Representative of the Secretary-General and Head of the United Nations Peace-building Support Office in Guinea-Bissau to participate in the discussion of the item, in accordance with rule 39 of the Council's provisional rules of procedure.

"The Security Council heard a briefing by Mr. Stephen.

"The members of the Council and Mr. Stephen had a constructive discussion."

02-46335 (E) 080702